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READINGS IN HISPANIC AMERICAN HISTORY

BY

N. ANDREW N. CLEVEN, PH.D.

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AND THOU, BELOVED COMPANION, ENJOY THE BEAUTY OF THESE FLOWERS, REJOICE WITH ME, CAST OUT FEARS, FOR IF PLEASURE ENDS WITH LIFE SO ALSO DOES PAIN. . . .

I FEAR NO OBLIVION FOR THY JUST DEEDS, STANDING AS THOU DOST IN THY PLACE APPOINTED BY THE SUPREME LORD OF ALL, WHO GOVERNS ALL THINGS.

ALL THE EARTH IS A GRAVE AND NAUGHT ESCAPES IT; NOTHING IS SO PERFECT THAT IT DOES NOT FALL AND DISAPPEAR. THE RIVERS, BROOKS, FOUNTAINS, AND WATERS FLOW ON AND NEVER RETURN TO THEIR JOYOUS BEGINNINGS, THEY HASTEN ON TO THE VAST REALMS OF TLALOC AND THE WIDER THEY SPREAD BETWEEN THEIR MARGES THE MORE RAPIDLY DO THEY MOULD THEIR OWN SEPULCHRAL URNS. THAT WHICH WAS YESTERDAY IS NOT TO-DAY; AND LET NOT THAT WHICH IS TO-DAY TRUST TO LIVE TO-MORROW.

Nezahualcoyotl, the famous literary light of the Aztecs, died forty-seven years before the Cortesian conquest. The above excerpts from his poetry were translated by Herbert Joseph Spinden and were published by the *Forum* in its issue of September, 1925, in Dr. Spinden's article "What is Civilization? The Answer of Ancient America."

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PREFACE

This volume has been prepared to meet the need for collateral readings in Hispanic American history. It is meant to be one more tool in the study of that subject. It has been my purpose to impress upon the student the wealth and variety of materials of which Dr. Robertson treats in the introduction; for his statement that the editor "has suffered from an embarrassment of riches" is more than a mere figure of speech: it is the statement of a fact. The materials in the various archives of which he writes, added to those which have already been made available, are well-nigh inexhaustible. In this collection I have freely culled from a variety of sources: from royal decrees and instructions; from laws and decrees of legislative bodies; from official and semiofficial reports; from addresses; from proclamations; from declarations of independence; from treaties; from awards of arbitrators; from diplomatic correspondence; from memoirs; from diaries; from letters; from observations of travelers, etc. I hope that the readings will help to arouse a sustaining interest in this field of study, and that there will be those who will dedicate their lives and talents to a search for truth in the Elysian fields of Hispanic American history.

It has been my plan to place the greatest emphasis on the documents themselves. For that reason the explanatory materials have in most instances been purposely made brief. This volume is not intended as a history text; it is a modest selection of sources from which history may be made. They are merely intended to do what all readings should do: *aid in illuminating and enlivening the textual narrative.* I have not thought it necessary to provide either a separate bibliography or a set of sug-

gestions of how to use these materials. The first can be taken care of by the syllabi, the textbooks, and the monographs which have already been published or which will shortly be published; the second can safely be left to the instructor himself. A glossary giving briefly the meaning of the foreign words and phrases which appear in the book has, however, been appended. A word must be said about the documents themselves. The two selections from Prescott (Nos. 22 and 23) were translated for this collection. The others were taken from materials already published. I have not thought it feasible to tamper in any way with these. I have taken great care, therefore, to reproduce them faithfully. That errors will have crept in is unavoidable. I shall be glad to have attention called to these, so that corrections can be made in a future revised edition.

I desire to express my appreciation of the friendly manner in which authors and publishers have responded to requests for permission to incorporate materials over which they have control. The acknowledgments to each and every one from whom materials have been selected are made in their proper place and in their proper form, but I must add that I have met with a most generous response from all concerned.

The number of co-workers from whom I have constantly received aid and assistance in the preparation of this work is naturally very large. I shall name only those who have rendered the greatest services. I am under lasting indebtedness to that prince among historical scholars Dr. Herbert Eugene Bolton. Without his kindly sympathy and unfailing support it would have been impossible to undertake this work. It was to him that I first took my problems, and it is to him that I have freely gone ever since. I owe to that other prince among the scholars of our field, Dr. James Alexander Robertson, my grateful thanks. He has given generously of his time and thought to make the work a success. I am especially grateful to him for the excellent introduction which he was kind enough to write for this volume. The other member of this inner trio is Dr. Isaac Joslin Cox.

He has read the greater part of the manuscript. I want to thank him for kindly but invaluable criticisms. I also owe a word of grateful appreciation for kindly and sympathetic support to Dr. Mary Wilhelmina Williams, Dr. Herbert Ingram Priestley, Dr. Charles E. Chapman, Dr. J. Fred Rippy, and Dr. Charles Wilson Hackett. The unfailing courtesy and intelligent assistance of the members of the staff of the library of the University of Pittsburgh and of the Carnegie Public Library of Pittsburgh have greatly facilitated the work. I wish especially to mention by name Mr. J. Howard Dice, the librarian of the University of Pittsburgh, and Miss Irene Stewart, the reference librarian of the Carnegie Public Library of Pittsburgh.

To my wife, Hilma Willd Cleven, I am under great obligations for her kindly and considerate coöperation. It would have been impossible to do the work without her constant, vigilant, and intelligent support.

N. A. N. CLEVEN

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INTRODUCTION

One of the strangest things in the world, yet, after all, one of the most natural, is the sureness with which Time drives his bargains and forces an interest in historical movements. Who would have had the rashness, even as late as a quarter of a century ago, to predict the present widespread interest in the United States in the history of the Hispanic American countries? Of course it would be an exaggeration to assert that interest in those countries is an entirely new thing, for most decidedly it is not. But that interest was of the few rather than of the many. Few students, a comparatively short while ago, thought of majoring in the history of the lands south of the Anglo-Saxon republic. Today it is a commonplace. Not only has the history of Hispanic America become a main study, but in ever-increasing proportion men and women are making its teaching their life work.

It is easy to account for this deepening of interest. It has come about through the rapid development during the last fifty years of the Hispanic American countries. The old interest in Hispanic America was in large measure dependent on its European beginnings and background. Now, while these European beginnings are even more intensively studied than formerly, we are led to that study rather because of the Hispanic American countries themselves. That is to say, those countries have themselves become entities. The European expression has become subordinated to the American expression.

During the period when Hispanic American patriots were struggling in the field and in parliamentary halls for their independence, statesmen and politicians in the United States, as well as the people at large (if these last thought about the matter

at all), were sympathetic toward aspirations they could so well understand. When independence was achieved the people of this country were not slow in expressing their satisfaction. Diplomatic relations between this country and the new states tended to bring about closer acquaintance. Commercial relations did still more. We were prone, however, to look askance at the new countries and perhaps smile a bit at the efforts toward self-government, and to predict that frequent revolutions and dictatorships would end in anarchy and ruin; and unfortunately we have not yet entirely escaped from that idea, so slowly do prepossessions vanish. But by and by we saw in some countries a greater stability, a greater sense of sureness, a more perfect solving of government ideals and practical life. And then we saw countries arise which are daily acquiring added dignity and influence throughout the world. We saw the building of beautiful cities. We witnessed the birth of strong literatures and the coming of graceful poets. We saw men of all sorts come forth in these countries who would take a foremost place among any people the world over — great thinkers, great lawyers, great lawgivers, and others. All this we saw and much more. And, above all, we saw the Hispanic beginnings of parts of our own country more clearly, and we began to read our own history more accurately. Then, too, we began to talk in terms of Pan-Americanism and, in general, to take Hispanic American countries more seriously. We began to watch events more closely and to see that reactions are not confined necessarily to the borders of a single country. And all this time an expanding commerce was working in favor of better acquaintance. It was daily becoming more advantageous to know something of the countries that lie at our door.

All these were Time's tools in the evolution of the study of Hispanic America. It is probably true that outside of a few of the educational institutions in the United States in which the earliest courses for the study of the history of Hispanic America were inaugurated, the commercial factor was of most weight in

leading to such instruction. At the present time, however, the study has been more nearly placed on a purely cultural basis. From a very slender beginning the multiplication of courses has progressed so rapidly that the Pan-American Union has recently distributed a questionnaire among universities, colleges, and normal schools in an endeavor to ascertain where Hispanic American history is taught and how it is taught. Doubtless the next few years will see regular courses introduced into many more institutions.

A quarter of a century ago students were feeling their way along somewhat blindly. Comparatively few of the instructors themselves had studied in the *Archivo General de Indias* or other archives of Spain, much less in those of any Hispanic American country. There were no textbooks on Hispanic America, and instructors were at a loss in presenting their material. Perforce the lecture method had to be adopted with requirements for outside reading, which varied according to the resources of the libraries of the different institutions. It was unusual to find the earlier books outside the largest libraries, and secondary books formed the chief readings in most institutions.

But the increasing importance of the study demanded more tools, and a few years ago we had our first textbooks. Teaching has also been simplified through the publication of many excellent monographs and a number of excellent syllabi. The next development has come with the publication of this book of readings which has been compiled by Professor Cleven, and to which he has been good enough to ask me to write this introduction. That a book of this nature can find a publisher is proof of the development of this study. It is highly doubtful whether it could have been published ten years ago. This means that the study of Hispanic American history is on a firm and expanding basis. This book furnishes to teacher and student alike a tool of importance, the lack of which has long been felt.

I doubt whether any book of collateral readings can entirely satisfy every person. Teachers, like other human beings, have

their frailties and special likings; and doubtless some will wonder why this or that document was included at the expense of another document. Lack of space has something to do with the omission of many documents in this book. Professor Cleven has suffered from an embarrassment of riches, and yet in the face of this difficulty he has accomplished his task in an admirable manner. It has been no slight labor to examine the vast amount of material that he has had to turn over, and he has doubtless suffered those pangs that the student so often experiences at having to discard some much-loved material, not because it was irrelevant but because of physical limitations. The table of contents shows the wide extent of his reading, the patience he has had to exercise, and the discrimination with which he has made his selections. In the compass of this book he gives an orderly arrangement of documents touching all phases of Hispanic American history. That the volume will prove a great help to all students of this branch of history, as well as to teachers, is certain. Indeed, it is not too much to say that this book of documents creates a new epoch in the study of Hispanic American history.

JAMES ALEXANDER ROBERTSON

READINGS IN HISPANIC AMERICAN HISTORY

PART I. THE ESTABLISHMENT OF THE SPANISH AND PORTUGUESE IN THE NEW WORLD

LIFE AMONG THE PEOPLES OF ANCIENT AMERICA

1. Customs and Manners of the Inca Indians

[1609. Ynca Garcilaso de la Vega, *The Royal Commentaries of the Yncas.* Hakluyt Society Publications, XLV (1871), 14–35. Reprinted by permission of the Hakluyt Society Council of London.]

"The first part of the Royal Commentaries of Peru," explained Markham, "describes the manners and customs of one of the two great civilised communities of the New World, and was written by an author who had known the country from his childhood, and had peculiar qualifications for his task. The writer was not one of those travellers or explorers who set out from Europe in search of adventures in the New World. He had even greater advantages as a describer of a distant and little known land; for he was the son of such an adventurer by a native mother, and thus began to acquire the knowledge which enabled him afterwards to write this invaluable work, in his very cradle. So that his travels over all parts of Peru were not commenced until he had learnt the traditions and customs of his mother's people, and had become intimately acquainted with their language. The young Ynca had a wonderful start of all other contemporary travellers, for he was born, as it were, in the midst of his work, and began to store his materials as soon as he could speak."

"The Ynca Garcilasso de la Vega is," continued Markham, "without any doubt, the first authority on the civilization of the Yncas and on the conquest of Peru. His intimate knowledge of the Quichua language, his recollections of discourses with his mother's relations, and the correspondence he kept up with Peruvian friends in after life, gives his testimony a weight and authority such as no Spaniard could lay claim to. . . ." [1]

The father of Ynca Garcilaso de la Vega came to the Indies with Pedro de Alvarado in 1531. He married Chimpa Ocllo (Doña Isabel), daughter of Hualpa Tupac, brother of the great Ynca Huayna Ccapac. She bore him a son, the author, in 1540. Ynca Garcilaso de la Vega went to Spain later in life and devoted most of his time there to literary pursuits. He died in Córdoba in 1616.

There have been three editions of the first part of these *Commentaries*. The first was published in 1609 at Lisbon, the second in Madrid in 1732, and the third in the same city in 1829. The excerpts given below are taken from the first edition, "collated with that of 1732."

HOW THEY DISTRIBUTED THE WATER FOR IRRIGATION. THEY PUNISHED ALL IDLE AND CARELESS PEOPLE

In the districts where only limited supplies of water for irrigation were procurable, it was distributed by fixed rule and measurement (like everything else that they supplied to the people), for there were no disputes among the Indians on these matters. In the years when there was little rain, the water was supplied by the State. The quantity was measured. It was known by experience what space of time was necessary for the irrigation of one *fanegada* of land; and, according to this rule, they gave each Indian a flow of water for the number of hours necessary to irrigate his land. They received the water according to their turns, one after the other; and neither the rich, nor the noble, nor the friend or relation of a Curaca, nor the Curaca, nor even the minister, or Governor himself received any preference.

[1] Introduction to *The Royal Commentaries of the Yncas*, XLI, i, and xiii–xiv.

He who neglected to irrigate his land within the allotted time was severely punished. He received three or four blows across the shoulders with a stone; or was flogged over the arms and legs with ozier wands as an idle lazy fellow, for this vice was much despised amongst them. They called these idle men *Mizqui-tullu*, which means "sweet bones," being composed of the two words — *mizqui* "sweet," and *tullu* "a bone."

THE TRIBUTE THAT THEY GAVE TO THE YNCAS, WITH AN ACCOUNT OF THE GRANARIES

Now that the method the Yncas had of dividing the land has been described, and how it was cultivated by the vassals, it will be well to explain the nature of the tribute they paid to their kings. Their tribute was to cultivate the lands of the Sun and of the Ynca, to gather in the harvests, and to store them in granaries which were kept in each village. One of the chief crops was the *uchu*, which the Spaniards call *axi*, and for another name pepper.

The granaries, called *pirua*, were built of clay mixed with straw. In the time of the Yncas they were constructed with great care. The blocks of clay were of a size conformable to the height of the wall where they were placed, and were cast in different sizes in a mould. They made the granaries of sizes according to the required measurement, some larger than others, to hold from fifty to two hundred *fanegas*. Each granary was measured so as to be of the required size. It had four walls, and there was a passage down the middle, leading from one granary to another, so that they could be emptied or filled at pleasure. But they did not move them from where they were once placed. In order to empty a granary, they had small windows in front, in eight squares, opening so as to give a measurement of the quantity of grain that was poured out, and thus they knew the number of *fanegas* that had been taken out and the quantity remaining without having to measure it further. Thus they could easily tell, by the size of the granaries, the quantity of maize in each depôt, and by the windows they knew how much had been taken out and how much was left in each granary. I saw some of these granaries, which remained from the time of the Yncas, and they were among the best, for they were in the house of the virgins of the Sun, and were built for

the use of those women. When I saw them, the convent had become the house of the sons of Pedro del Barco, who were my school-fellows.

The crops of the Sun and those of the Ynca were shut up in places apart though in the same depôt. The seeds for sowing were given by the Lord of the land, who was the Sun or the King; and in the same way for the sustenance of the Indians who worked, that they might be maintained each out of his own estate, when they tilled and cultivated their lands; so that the Indians only had to give personal labour as their tribute. The vassals paid nothing to the Ynca from their own crops. Father Acosta says the same in the fifteenth chapter of his sixth book, in these words, —

> The Ynca gave the third part of the land to the people. It has not been ascertained how much this portion was, whether larger or smaller than that of the Ynca and the *Huacas*, but it is certain that care was taken that it should be sufficient to maintain the people. No person had any private right in this third part, nor did the Indians possess private property. All was held through the generosity of the Yncas, and the people were not allowed to alienate it, or even to divide it amongst their heirs. These lands of the people were divided every year, and each man was assigned a certain portion to maintain himself and family, so that some years it was smaller and others larger, according to the size of his family; for there was a special measurement of land assigned according to the number to be maintained. This land, which was divided each year, never paid any tribute; for the tribute consisted solely in personal service on the lands of the Yncas and of the *Huacas*, and in the storing the crops in the granaries.

So far is from Father Acosta. He calls the lands of the Sun — "of the *Huacas*," because they were sacred.

Throughout the whole province called Colla, which is more than one hundred and fifty leagues long, no maize is grown on account of the cold. But much *quinua* is raised, which is like rice, as well as other cereals and pulses which ripen. Among these there is one called *papa*, round and moist, and inclined to rot soon, on account of its moistness. To preserve it, they put it in the earth, and cover it with a very good kind of grass that grows in the fields there. They leave it for many nights exposed to the frost, for it freezes hard throughout the year in that province. As soon as the frost is passed, they cover the *papas* with straw, and press them gently to squeeze out all moisture, both that naturally existing and that caused by the frost. After they have been

well pressed, they expose them to the sun until they have been completely dried. Prepared in this way the *papa* will keep for a long time; its name is then changed, and it is called a *chuñu*. This is the way all the *papas* were treated that were gathered from the lands of the Sun and the Ynca; and they were then stored in the depôts with the other provisions.

THEY MADE CLOTHING, ARMS, AND SHOES FOR THE SOLDIERS

The principal tribute was to sow the lands, reap the crops, and till the ground of the Sun and the Ynca; but the people also paid another sort of tribute, which was to make clothes, shoes, and arms for the soldiers and the poor who could not work themselves, owing to age or infirmity. In distributing and ordering this second tribute, the same rules were observed as in all other similar matters. The cloth, in all parts of the Sierra, was made of wool, which the Ynca supplied from his innumerable flocks, and those of the Sun. On the plains of the sea coast, where the climate is warm and they do not dress in woollens, they made cotton cloths, the cotton being provided from the crops of the Ynca and of the Sun. They made three kinds of woollen cloth. The coarsest, called *arasca*, was for the common people. Another finer kind, called *compi*, was used by the captains, curacas, and other officials. They made it of all colours and patterns, on a frame, as they make the cloths of Flanders, and it was wove double. Another kind was very fine, and was also called *compi*. It was reserved for persons of the blood royal, whether they were captains of soldiers or royal governors. The fine cloth was made in the provinces, where the natives were most expert and handy in its manufacture, and the coarse kind was wove in districts where the natives had less skill. All the wool for this cloth was worked up into thread by the women, and they also wove the coarser kind called *arasca*, but the fine cloth was wove by men, because they worked standing. Both were made by vassals, and not by the Yncas, who did not even weave the cloth for their own dresses. I say this because there are those who have asserted that the Yncas themselves wove. Further on, when we treat of the way in which knights were armed, we shall explain how it is that the Yncas were said to spin. The shoes were made in the provinces where aloes were most

abundant, for they were made of the leaves of a tree called *maguey*. The arms also were supplied by the provinces where the materials for making them were most abundant. In some they made bows and arrows, in others lances and darts, in others clubs and axes, in others slings and lashings, in others shields, for these shields were their only defensive weapons. In fine, each province furnished its own produce, without seeking in any strange land for what it did not yield itself, for no province had to supply anything that did not belong to it. Thus they paid their tribute without having to leave their homes, and it was the universal law throughout the empire that no Indian should be obliged to go beyond his own home to seek what he had to furnish as tribute. For the Yncas said that it was unjust to expect from their vassals any articles that their district did not produce, and that such demands would open the door to people wandering about from place to place, and becoming vagabonds. Thus they had four things to supply to the Ynca, namely, provisions from his own lands, cloth made from the wool of the royal flocks, arms, and shoes, according to the products of their respective districts. The demands were divided with great care and regularity. The provinces that were charged with the supply of cloth, owing to the peculiar facilities they had for weaving it, were relieved of all demands for arms and shoes, and so on with the others; and in this way no province could feel any grievance. This kindly forethought led the vassals to serve the Ynca with such pleasure and satisfaction, that a famous Spanish historian, speaking of these rules, uses the following words: "But the greatest source of wealth of these barbarous kings was that all their vassals were their slaves, whose labour they made use of as they pleased; and that which causes astonishment is that they were served by these vassals with so much order and regularity that their lives were very happy and not in any way lives of slavery." So far is from another writer, and I insert it here as I shall quote this most venerable author in other places. He is the father José de Acosta of the Company of Jesus; whose authority, and that of other Spanish historians, I desire to appeal to against evil speakers, who will not then be able to say that I invent fables in praise of my country and my relations. Such was the tribute that the Indians paid, in those days, to their idolatrous kings.

Another sort of tribute was imposed upon those who could not work, and were called poor; and this was that, at certain intervals, they had

to deliver a specified number of cane joints full of lice to the governor of their village. They say that the Yncas imposed this tribute in order that no one (except those exempted from tribute) should contribute nothing, however poor he might be; and therefore from those who were disabled from paying tribute in personal service was exacted a tribute of lice. It was also said that the chief reason of the Yncas for requiring this tribute was a loving care for these poor people, that they might be obliged to clean themselves, and not become a prey to the lice. For such thoughtful care as this, which the Yncas showed in all things, they were called the Friends of the Poor. The Decurions (of whom we have already spoken) were expected to see that this tribute was paid.

The following persons were exempt from tribute: all members of the royal family, priests, ministers of the temple, Curacas or lords of vassals, captains and officers down to centurions even if they were not of the blood royal, all governors, judges, and royal officials during their terms of office, all soldiers while on active service, and youths who had not reached the age of twenty-five years; for up to that time they were expected to help their parents, and were not allowed to marry. After marriage they were free from payment of any tribute for the first year. Old people, from fifty upwards, were also exempt, and all women, as well maidens as widows and married women; though many Spaniards have it that women paid tribute, because they all had to work. But they are mistaken; for when the women did any work, it was to help their fathers or husbands to complete their tasks more easily, and not because tribute was required from themselves. The sick were also exempt until they recovered their health, as well as the blind, lame, and maimed. But the deaf and dumb were not exempt, because they were able to work. Personal labour was the tribute that each man paid. Father Blas Valera says the same, as we shall see further on, and it will be found that he agrees exactly with me in all matters relating to the tribute.

GOLD AND SILVER AND OTHER THINGS OF VALUE WERE NOT OFFERED AS TRIBUTE, BUT AS PRESENTS

The gold, silver, and precious stones which the Yncas possessed in such great quantities, as is notorious, were not the fruits of enforced tribute that the Indians were obliged to give, nor did the Yncas re-

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quire them, because they were not necessary either for the affairs of war or peace. These things were not valued as treasure, because buying and selling with gold and silver were unknown, nor were the soldiers paid with these metals; nor were they spent in procuring anything whatever. They were merely valued for their beauty and splendour, to adorn the palaces, temples, and convents of virgins, as we have stated in its place, and shall further enlarge upon hereafter.

The Yncas had discovered quicksilver, but they had no use for it, and indeed believed it to be hurtful. Its extraction was therefore forbidden; and further on we shall give a fuller account of it.

We have said that gold and silver were presented to the King, and were not forced tribute; for the Indians, then as now, never thought of approaching a superior without bringing a present, and when they had nothing else, they offered a basket of green or dried fruit. The Curacas, lords of vassals, visited the Ynca on the principal festivals of the year, especially on the greatest of all in honour of the Sun, called *Raymi*, and on occasion of the triumphant celebration of victories, and when the heir to the throne was shorn and named, and on many other occasions during the year; such as when they had an interview with the King touching their own affairs, or when the King visited his provinces. On all these occasions the Curacas never kissed his hands without presenting him with all the gold and silver and precious stones that their Indians could collect when they had no other work to do. But as these were not things necessary for existence, they did not wish for them unless they had no other work to employ their time. Yet, as they saw that these metals were used to adorn the palaces and temples (places which they valued so highly), they employed their spare time in seeking for gold, silver, and precious stones to present to the Ynca and to the Sun, who were their gods.

Besides these treasures, the Curacas presented to their Kings many kinds of precious woods for the palaces. They also brought with them the men who excelled in any art, such as silversmiths, painters, singers, and carpenters. For the Yncas had men skilled in all these arts, and the Curacas presented such men, as worthy to serve their King. The common people did not require the aid of such artizans, because each Indian knew how to supply what he and his household needed; such as to make clothes and shoes, and to build a poor hut in which to live; though then these huts were given them ready made by the officials,

and now each Indian builds one for himself, with the aid of his friends and relations. Thus the poor people did not require the help of artizans, because they had no needs beyond the necessity for sustaining life, without that superabundance of such things as are necessary for the great and powerful.

Besides these artizans who excelled in various trades, the Curacas presented to the Yncas many wild animals, such as tigers, lions, bears, monkeys, cats, macaws, vultures, and the birds they call condors, which are the largest of all the birds either here or there. They also presented large and small serpents, such as inhabit the country of the Antis. The largest, called *Amaru*, are twenty-five or thirty feet and more in length. They also brought great toads and lizards. The Curacas from the sea-coast presented seals and alligators, which are also twenty-five to thirty feet long. In short, there was nothing worthy of remark for its ferocity, size, or beauty which they did not present together with the gold and silver; as much as to say that the Ynca was lord of all those things, and to show the devotion with which he was served.

OF THE MANNER OF GUARDING THE TRIBUTE, AND HOW IT WAS USED

It will be well that we should explain how this tribute was guarded, and in what way it was used. Throughout the empire there were three kinds of storehouses, in which the crops and other tribute were shut up. In each village, whether it was large or small, there were two storehouses. In one was deposited the provision which was stored up for the people, to guard against famine in years of scarcity; and in the other the crops of the Ynca and of the Sun were kept. There were other storehouses on the royal roads, at intervals of three leagues, which now serve as inns and taverns for the Spaniards.

The crops of the Sun and the Ynca, for a circuit of fifty leagues round the city of Cuzco, were brought in for the use of the Court, and that the Ynca might have the means of feeding the captains and Curacas who came to him.

The crops of the other villages, outside this circuit, were guarded in royal granaries, and thence conveyed to the storehouses on the royal roads, where provisions, arms, clothes, and shoes were kept for the soldiers who marched along these highways to the four quarters of the

globe, or *Ttahua-ntin Suyu*. These storehouses were so well stored that even when many companies of soldiers passed, there was always enough for all. The soldiers were not allowed to lodge in the villages at the cost of the people. The Yncas said that after the villages had paid their proper share of tribute, it was not just to exact more; and hence arose the law that any soldier should be punished with death who took the smallest thing from a vassal. Pedro de Cieza de Leon, speaking of the roads in his sixtieth chapter, uses these words: "In every valley there was a principal station for the Yncas, with depôts of provisions for the troops. If anything was not ready, a severe punishment was inflicted; and if any of those whose duty it was to traverse the road entered the fields or dwellings of the Indians, although the damage they did was small, they were ordered to be put to death." So far is from Pedro de Cieza. The Indians said that to prevent the soldiers from doing harm to any one either in the fields or villages, and that their punishment for doing so might be just, they were given all that they required. As fast as the soldiers used up what was stored up in the roadside depôts, they were replenished from the stores in the villages, so that there was never any deficiency.

Agustin de Zarate, having spoken of the grandeur of the royal roads (which we shall describe in the proper place), says what follows in his first book, chapter 14:

> Besides the work and expense of these roads, Huayna Ccapac ordered that from stage to stage, in the Sierra, palaces of great size should be built, and lodgings where he and his household might rest, with all his arms. And on the plains near the coast there were similar buildings, although they could not be so close together as those in the Sierra, because they must be on the banks of rivers, which are eight or ten, and in parts fifteen or twenty leagues from each other. These lodgings were called *Tampu*, and the Indians of the surrounding districts had to store them with all things necessary for an army, not only provisions, but arms, clothes, and all other requirements. So that in each lodging a body of 20,000 or 30,000 men could be fitted out for the field, without going outside the house. The Yncas took with them a great body of men armed with pikes and shields, axes of silver and copper, and some of gold, slings, darts of palm with twisted points, etc.

So far is from Agustin de Zarate, touching the provision that was made for the armies on the royal roads.

If the estates of the King were not sufficient to provide for the excessive cost of a war, then those of the Sun were made available, which the

Ynca considered to be his, as the legitimate child and heir of the Deity. The supplies which were not consumed in the war, and remained over, were preserved in the three classes of storehouses already described, for distribution among the people in years of scarcity, for the Yncas took great thought for their welfare.

The priests and ministers of their idolatry were maintained out of the estates of the Sun while they officiated in the temples, which they did in weekly rotation. But when they were in their own houses they fed at their own cost, and received lands to till, like the rest of the people. With all this, the consumption of the crops from the estates of the Sun on the priests was small in comparison with the yield; so that there was a large surplus to help the Ynca in any difficulty.

THE VASSALS WERE SUPPLIED WITH CLOTHES. NO BEGGING WAS ALLOWED

As there were regulations for the supply of clothing, in abundance, to the soldiers; so also the wool was given to the Curacas and vassals generally every two years, to enable them to make clothes for themselves and their families; and it was the duty of the Decurions to see that the people were clothed. The Indians, and even the Curacas, had few llamas; while the Sun and the Yncas possessed innumerable flocks. The Indians said that when the Spaniards first came to that country there was scarcely sufficient pasture for the flocks, and I have heard my father and his contemporaries relate the great excesses and waste committed by some Spaniards among these flocks, which I shall relate in its place. In the warm country cotton was distributed from the royal estates for clothing for the Indians and their families. Thus they had all that was required for human life, both in clothes, shoes, and food; and no one could be called poor, or require to seek alms. For all had as much as they would have required if they had been rich, but they were as poor as possible in unnecessary things, having nothing more than they required. Father Acosta, speaking of Peru, says briefly and compendiously what we have related with so much prolixity. At the end of the fifteenth chapter of the sixth book he has these words:

> The sheep were shorn at the proper season, and each person was given wool to spin and weave into cloth for his wife and children. Visits were made to see if this was done, and the idle were punished. The wool that was over was put

into the storehouses; which were full of it, and of all other things necessary for human life, when the Spaniards arrived. No thoughtful man can fail to admire so noble and provident a Government. For, without being religious or Christians, the Indians attained to a high state of perfection in providing all that was necessary, and plentifully sustaining their houses of religion, as well as those of their King and Lord.

Thus ends his fifteenth chapter, which is entitled — "*The revenue of the Ynca and the tribute.*"

In the following chapter, speaking of the occupations of the Indians, he touches upon many things that we have already mentioned, and others that we shall describe presently. He here says what follows, copied word for word:

Another thing which the Indians of Peru practised was to teach each boy all the arts which it was necessary a man should know to sustain human life. For, among these people, they had no special tradesmen, as we have, such as tailors, shoemakers, or weavers; but each man learnt all, so that he could himself make all that he required. All men knew how to weave and make clothes; so that when the Ynca gave them wool, it was as good as giving them clothes. All could till and manure the land, without hiring labourers. All knew how to build houses. And the women knew all these arts also, practising them with great diligence, and helping their husbands. Other occupations, which were not connected with ordinary wants, had their special artizans, such as silversmiths, painters, potters, boatmen, accountants, and musicians. Even in the ordinary labours of weaving, tilling, and building, there were masters for special work, who served the Lords. But among the common people, as has been said, each could do all that was necessary in his household, without having to pay another, and it is the same at the present day. So that no one had any necessity for the help of another, either to make his shoes, or clothes, or house, or to sow and reap for him, or to make his furniture or tools. In this the Indians closely imitated the institutions of the monks of old, as described in the lives of the fathers. In truth, these people were neither covetous nor wasteful, but were contented to pass their lives in great moderation, so that surely if their mode of living had been adopted from choice, and not from habit, we must have confessed that it was a very perfect state of existence. Nor were the seeds wanting for the reception of the doctrine of the Holy Gospel, which is so hostile to pride, avarice, and waste. But the preachers do not always make their acts agree with the doctrine they preach to the Indians.

A little further on he says:

It was an inviolable law that no one should change the peculiar dress of his province, even if he moved to another; and the Yncas held this rule to be very conducive to good government. The custom is still observed, although not so strictly as it was then.

So far the Father Acosta. The Indians wonder much at the way the Spaniards change the fashion of their dress every year, and attribute it to pride and presumption.

The custom of never seeking alms was still observed in my day; and up to the time when I left Peru, in 1560, throughout all the parts that I travelled over, I never saw an Indian, man or woman, begging. I only knew one old woman in Cuzco, named Isabel, who begged, and her habit was more to go jesting from house to house, like a gipsy, than to seek alms from necessity. The Indians quarrelled with her, and spat on the ground, which is a sign of contempt and abhorrence; so that she never begged of the Indians, but only of the Spaniards; and as, even in my time, there was no regular money in the country, they gave her maize as alms, which was what she wanted. If she saw that it was given cheerfully, she asked for a bit of meat also, and if that was given, she begged for something to drink, and presently carried the joke so far as to hint at a little *cuca*, which is the much prized herb that the Indians chew. And thus she went on with her lazy vicious life.

The Yncas, in their administration, did not forget the travellers, but along all the royal roads they ordered houses for travellers to be built, called *corpa-huasi*, where they were given food and all things necessary for their journeys, from the royal stores kept in each village. If they fell ill, they were attended with great care and kindness; so that they had everything as if they had been in their own houses. It is true that they did not travel for their own pleasure or amusement, nor on their own business, for no such thing was known; but by order of the King or of the Curacas, who sent them from one part to another, or by direction of captains or officials, either of war or peace. These travellers were carefully looked after, but any who travelled without just cause, were punished as vagabonds.

THE ORDERING AND DIVISION OF THE FLOCKS, AND OF THE STRANGE ANIMALS

In order to preserve some account of the multitude of llamas belonging to the Yncas, they were divided according to their colours, for these animals are of many different colours like the horses in Spain, and there was a name for each colour. Those which were of two colours they called *Muru-muru*, or, as the Spaniards pronounce it, *Moromoro*.

If a lamb was born of a different colour from its parents, as soon as it was raised, it was removed to the flock of its own colour. In this way they kept an account of the flocks with great ease, by means of their knots, the threads being dyed of the same colours as the flocks to which they referred.

The droves, for carrying supplies and stores from one station to another, consisted of these llamas, which the Spaniards called sheep, but they were more like camels, without the hump, than sheep: and, although it was a common custom for Indians to carry loads, the Ynca did not permit it in his service, except in cases of necessity. He ordered that they should be exempted from all labour that could be performed in any other way, in order that they might be reserved for labour that could be executed in no other way; such as building fortresses and palaces, making bridges, roads, terraces, and aqueducts, and other useful works on which the Indians were constantly engaged.

We shall relate further on what use was made of the gold and silver that the vassals presented to the Ynca for adorning the temple of the Sun, the palaces, and convents.

The strange birds, wild beasts, serpents large and small, and other animals presented by the Curacas were kept in the provinces which still retain their names; and some were kept at court, as well to increase its grandeur as to let the vassals know that their offerings had been accepted, which was the greatest gratification they could receive.

There was some recollection left of the districts where these animals were kept, when I departed from Cuzco. The part of the city where the house of the Fathers of the Company of Jesus now stands was called *Amaru-cancha*, or the district of *Amaru*, which means a very large kind of serpent. The parts where they kept the lions, tigers, and bears was called *Puma-curcu* and *Puma-chipana*, giving the name of lion, which they call *puma*. One of these districts was at the foot of the hill on which the fortress stands, and the other was on one side of the monastery of San Domingo.

The birds, that they might breed more conveniently, were kept outside the city. Hence, an estate about a league to the south of Cuzco, is called *Suri-hualla*, or "the plain of ostriches." It belonged to my tutor Juan de Alcobaça, and his son Diego de Alcobaça the Presbyter, my school-fellow, inherited it from him.

The fierce animals, such as tigers, lions, serpents, toads, and lizards (besides those set apart for the splendour of the court) were kept to

punish criminals, as we shall relate in another place when we treat of the laws they made for the punishment of delinquents.

This is what there is to say, touching the tribute paid to the King's Yncas, and the way it was used. I have taken what follows from the papers in the handwriting of the curious and learned Father Blas Valera, that the agreement may be seen between his narrative and all that I have said touching the customs, laws, and administration of my country. His Paternity wrote with a better method, more briefly, and in a fine and pleasant style; which has induced me to copy what follows. It will add a charm to my history, supplement what is wanting in it, and corroborate the truth of the statements it contains.

LAWS AND ORDINANCES OF THE YNCAS, FOR THE GOOD OF THEIR VASSALS

Father Blas Valera says what follows touching the government of the Yncas, which I have translated literally from his most elegant Latin, because it corroborates what I have already said, and because of the great value of his authority.

The Indians of Peru began to have some kind of government from the time of Ynca Manco Ccapac, and of the King Ynca Rocca, who was another of their Kings. Previous to that time they had lived for many ages in a state of barbarism and torpidity, without any semblance of laws or polity. But from the time of those Kings they instructed their children, communicated one with another, clothed themselves, not only with regard to decency, but with some attempt at elegance, cultivated the fields with industry and in company with each other, and appointed judges. They began to converse courteously, to build houses, as well private as public, and to make many things which deserve praise. They very cheerfully adopted the laws that their Princes taught them from the light of nature, and observed them very carefully. In all this I hold, for my part, that these Yncas of Peru ought to be preferred, not only to the Chinese, Japanese, and Eastern Indians, but also to the heathen nations of Asia and Greece. Because, when properly considered, the labours of Numa Pompilius in making laws for the Romans, of Solon in doing the same for the Athenians, and of Lycurgus for the Lacedæmonians, are not such admirable works; seeing that they were acquainted with letters and human sciences. Thus they had, by this means, learned to draw up codes of laws and good customs, which they left written down for the men of their own time, and for posterity. But the wonder is that the Indians, being entirely deprived of these aids, should succeed in framing their laws (not including those appertaining to their idolatry) so well and in such numbers; which are still observed by the

faithful Indians, all based on reason, and in conformity with those of the most lettered lawgivers. They wrote them down distinctly by means of knots and threads of different colours which they kept for these purposes, and so taught them to their sons and descendants. Thus the laws that were established by their first kings, six hundred years ago, are now as well preserved in the memories of the people as if they had just been promulgated afresh. They had a municipal law, treating of all matters bearing on the administration of the different tribes and villages, and an agrarian law regulating the division and measurement of the land amongst the inhabitants of each village, which were arranged with extreme care and exactness. The measurers lined out the land with their cords by *fanegas*,[1] which they called *tupu*, and handed it over to the people, assigning to each man his portion. They called the "common law" that which obliged the Indians (except old men, sick, and children) to work on public undertakings, such as the building of temples and palaces, tilling royal grounds, making bridges, repairing roads, and other labour of a like nature. They called the "brotherly law" that which compelled the inhabitants of every village to help each other in getting in the harvest, building houses, and similar work, without any pay. There was a law which they called *mita-chanacuy*, which means to take turns according to families. By this law it was ordered that in all public works there should be a regular turn for each village, family, and individual, each doing his share and no more, so that every man should have his turn of work and turn of rest. They had a law touching ordinary expenses, which decreed that there should be no extravagance in dress, or in the use of precious things, such as gold and silver, and gems, and totally prohibited all superfluity in eating. This law also ordained that three or four times a month all the inhabitants of each village should feast together, before their Curacas, and exercise themselves in military or popular games, that they might preserve constant friendship among themselves, and that the shepherds and husbandmen might have times for rejoicing and relaxation. The law in favour of those who were called poor decreed that the blind, lame, aged, and infirm, who could not till their own lands so as to clothe and feed themselves, should receive sustenance from the public stores. Another law ordained that strangers and travellers should be treated as guests, and public houses were provided for them, called *corpa huasi*, where they were supplied with all they required. The same law decreed that all the poor should be invited to the public banquets two or three times a month, that, in the universal rejoicing, they might forget their own misery. Another law was called *Casera*, and contained two provisions. The first was that no one should be idle, and even children of five years old were employed at very light work, suitable to their age. Even the blind and lame, if they had no other infirmity, were provided with certain kinds of work. The rest of the people, while they were healthy, were occupied each at his own labour, and it was a most infamous and degrading thing among these people to be chastised in public for idleness. The same law provided that the Indians should dine and sup with open doors, that the judges might

[1] The author means rather *fanegadas*; i.e. *fanegas de tierra.*

be able to enter freely to visit them. For there were certain judges whose duty it was to visit the temples and public buildings, as well as the private houses. They were called *Llacta-comayu*. These officials, or their deputies, minutely inspected the houses, to see that the man, as well as his wife, kept the household in proper order, and preserved a due state of discipline among their children. These officials had to see that everything in the house was kept clean and in order, as well the clothes as the furniture and utensils. Those who were orderly received the reward of public commendation, while the disorderly were flogged on the arms and legs, or received such other chastisement as the law ordained. These were the reasons that all things necessary for human life were so abundant that they were almost given away for nothing. The other laws and moral ordinances, which all observed, may be gathered from what we shall say touching their lives and customs. We shall also relate at large how it is that these laws, or the greater part of them, have been lost with the government of the Yncas, which was so excellent and so worthy of praise, and how it is that the Indians now want the habits of good citizens, and are deficient in the necessaries of life, when in those times they possessed all these blessings.

2. The Feast of the Situa

[1570–1584. Christoval de Molina, *An Account of the Fables and Rites of the Yncas*. Translated by Clements R. Markham. Published by the Hakluyt Society as *Narratives of the Rites and Laws of the Yncas*, XLVIII (1872), 20–34. Reprinted by permission of the Council of the Hakluyt Society of London.]

Cristóbal de Molina was a priest of the parish of Our Lady of Healing of the hospitals for natives in the city of Cuzco. He made a study of the religious theories and practices of the Peruvian Indians. The result of this was the work from which the following excerpts are taken. It was addressed to Sebastián de Artaun, bishop of Cuzco. The original, in manuscript, is in the National Library at Madrid, in the collection marked 135 B. Molina was a master of the Quichua language, and gave a "minute and detailed account of the ceremonies performed in the different months throughout the Ynca year, with the prayers used by the priests on each occasion in Quichua and Spanish, the sacrifices, and festivities." The usual names of the god of the Incas and those which occur in their prayers were *Pachayachachic Aticsi-Uiracocha*. *Pachayachachic* was the name of the "teacher of the universe," *Tesci-viracocha*, the "incomprehensible one." *Aticsi* refers to the conquering *Uiracocha*.

Garcilaso de la Vega held that besides the Sun, the Incas worshiped the true supreme God and Creator; that they called him *Pachacamac*, a name meaning "He who gives animation to the universe," or "He who does to the universe what the soul does to the body"; that they held him in much greater inward veneration than the Sun; but that they did not build temples to him, nor offer him sacrifices.[1] "The sun, moon, and thunder appear to have been deities," declared Markham, "next in importance to Pachayachachic; sacrifices were made to them at all the periodical festivals, and several of the prayers given by Molina are addressed to them. Another image, called *Huanacauri*, which is said to have been the most sacred of the ancestral gods of the Yncas, received equal honours. In all this we may discern the popular religion of the Andean people, which consisted in the belief that all things in nature had an ideal or soul which ruled and guided them, and to which men might pray for help. This worship of nature was combined with the worship of ancestors; the nature gods being called *huaca*, and the ancestral deities *pacarina* or *pacarisca*. The universal tradition pointed to a place called *Paccari-tampu*, as the cradle or point of origin of the Yncas. It was, from Cuzco, the nearest point to the sun-rising; and as the sun was chosen as the *pacarisca* of the Yncas, the place of their origin was first assigned to *Paccari-tampu*. But when their conquests were extended to the Collao, they could approach nearer to the sun, until they beheld it rising out of lake Titicaca, and hence the inland sea became a second traditional place of royal origin."[2] The following excerpts describe in some detail the feast of the *Situa*.

AUGUST

The month of August was called *Coya-raymi*; and in it they celebrated the *Situa*. In order to perform the ceremonies of this festival, they brought the figures of their huacas from all parts of the land, from

[1] *The Commentaries of the Yncas . . .*, I, 106.

[2] Sir Clements R. Markham, *Narratives of the Rites and Laws of the Yncas*, XLVIII, xi–xii. Hakluyt Society Publications.

Quito to Chile, and placed them in the houses they had in Cuzco, for the purpose which we shall presently explain. The reason for celebrating the feast called *Situa*, in this month, was, because the rains commenced, and with the first rains there was generally much sickness. They besought the Creator that, during the year, he would be pleased to shield them from sickness, as well in Cuzco, as throughout the territory conquered by the Yncas. On the day of the conjunction of the moon, at noon the Ynca, with all the chiefs of his council, and the other principal lords who were in Cuzco, went to the Ccuricancha, which is the house and temple of the Sun, where they agreed together on the way in which the festival should be celebrated; for in one year they added, and in another they reduced the number of ceremonies, according to circumstances.

All things having been arranged, the High Priest addressed the assembly, and said that the ceremonies of the *Situa* should be performed, that the Creator might drive all the diseases and evils from the land. A great number of armed men, accoutred for war, with their lances, then came to the square in front of the temple. The figures called *Chuquilla* and *Uiracocha* were brought to the temple of the Sun from their own special temples in *Puca-marca* and *Quihuar-cancha*, which are now the houses of Doña Ysabel de Bobadilla. The priests of these huacas joined the assembly, and, with the concurrence of all present, the priest of the Sun proclaimed the feast. First, all strangers, all whose ears were broken, and all deformed persons were sent out of the city, it being said that they should take no part in the ceremony, because they were in that state as a punishment for some fault. Unfortunate people ought not to be present, it was believed, because their ill-luck might drive away some piece of good fortune. They also drove out the dogs, that they might not howl. Then the people, who were armed as if for war, went to the square of Cuzco, crying out: "O sicknesses, disasters, misfortunes, and dangers, go forth from the land." In the middle of the square, where stood the urn of gold which was like a fountain, that was used at the sacrifice of *chicha*, four hundred men of war assembled. One hundred faced towards Colla-suyu, which is the direction of the Sun-rising. One hundred faced to the westward, which is the direction of Chinchasuyu. Another hundred looked towards Antisuyu, which is the north, and the last hundred turned towards the south. They had with them all the arms that are used in their wars.

As soon as those who came from the temple of the Sun arrived in the square, they cried out and said: "Go forth all evils." Then all the four parties went forth to their appointed places. Those for Collasuyu set out with great speed, and ran to Augostura de Acoya-puncu, which is two short leagues from Cuzco, crying out as they ran "Go forth all evils." The people of Huvin-Cuzco carried these cries, and there they delivered them over to the mitimaes of Huayparya, who in their turn passed them to the mitimaes of Antahuaylla, and thus they were passed to the mitimaes of Huaray-pacha, who continued them as far as the river at Quiquisana, where they bathed themselves and their arms. Thus was the shouting ended in that direction. The Indians who passed the shouting along the Colla-suyu road from Cuzco, were of the lineage of Usca Mayta Ayllu, Yapomayu Ayllu, Yahuaymin Ayllu Sutic, and Marasaylla Cuynissa Ayllu.

Those who went out to the west, which is towards Chinchasuyu, shouting in the same manner, were of the lineage of Ccapac Ayllu, and Hatun Ayllu, Vicaquirau and Chamin-Cuzco Ayllu, and Yaraycu Ayllu. These went shouting as far as Satpina, which will be a little more than a league from Cuzco. There they passed the cries on to the mitimaes of Jaquijahuana, and these delivered them to the mitimaes of Tilca, which is above Marca-huasi, about ten leagues from Cuzco, who carried them on to the river Apurimac, where they bathed and washed their clothes and arms.

Those who carried the cries in the direction of Anti-suyu were of the following lineages, Usca-panaca Ayllu, Aucaylli Ayllu, Tarpuntay Ayllu, and Sañu Ayllu. They ran as far as Chita, which is a league and a half from Cuzco, and handed them to the mitimaes of Pisac, who are those of the Coya and Paullu, and these carried them forward to the river at Pisac, and there bathed and washed their arms.

Those who went towards Cunti-suyu were of the following lineages. Yaura-panaca Ayllu, and China-panaca Ayllu, and Masca-panaca Ayllu, and Quesco Ayllu. They ran as far as Churicalla, which is two leagues from Cuzco, and there they delivered them to the mitimaes of Yaurisquis, which will be about three leagues from Cuzco. These passed them on to those of Tautar, which is four leagues from Cuzco, who carried them on to the river of Cusipampa, where the Friars of La Merced have a vineyard. This is seven leagues from Cuzco, and there they bathed and washed their arms.

Such was the ceremony for driving the sicknesses out of Cuzco. Their reason for bathing in these rivers was because they were rivers of great volume, and were supposed to empty themselves into the sea, and to carry the evils with them. When the ceremony commenced in Cuzco, all the people, great and small, came to their doors, crying out, shaking their mantles and *lliellas*, and shouting, "Let the evils be gone. How greatly desired has this festival been by us. O Creator of all things, permit us to reach another year, that we may see another feast like this." They all danced, including the Ynca, and in the morning twilight they went to the rivers and fountains to bathe, saying that their maladies would come out of them. Having finished bathing, they took great torches of straw, bound round with cords, which they lighted and continued to play with them, passing them from one to the other. They called these torches of straw *pancurcu*. At the end of their feast they returned to their houses, and by that time a pudding of coarsely ground maize had been prepared, called *sancu* and *elba*. This they applied to their faces, to the lintels of their doors, and to the places where they kept their food and clothes. Then they took the *sancu* to the fountains, and threw it in, saying, "May we be free from sickness, and may no maladies enter this house." They also sent this *sancu* to their relations and friends for the same purpose, and they put it on the bodies of their dead that they also might enjoy the benefits of the feast. Afterwards the women ate and drank their food with much enjoyment; and on this day each person, how poor soever he might be, was to eat and drink, for they said that on this day they should enjoy themselves, if they had to pass all the rest of the year in labour and sorrow. On this day no man scolded his neighbour, nor did any word pass in anger, nor did anyone claim what was owing to him from another. They said that there would be trouble and strife throughout the year, if any was commenced on the day of the festival.

In the night, the statues of the Sun, of the Creator, and of the Thunder, were brought out, and the priests of each of these statues warmed it with the before mentioned *sancu*. In the morning they brought the best food they could prepare to present at the temples of the Creator, of the Sun, and of the Thunder; which the priests of those *huacas* received and consumed. They also brought out the bodies of the dead lords and ladies which were embalmed, each one being brought out by the person of the same lineage who had charge of it.

During the night these bodies were washed in the baths which belonged to them when they were alive. They were then brought back to their houses, and warmed with the same coarse pudding called *çancu*; and the food they had been most fond of when they were alive was placed before them, and afterwards the persons who were in charge of the bodies consumed the food.

The persons who had charge of the huaca called *Guanacaucique*, which is a great figure of a man, washed it and warmed it with the *sancu*; and the principal Ynca lord and his wife, after they had finished their bath, put the same *sancu* in their house, and on their hands. Afterwards, they placed certain plumes on their heads, of a bird called *pialco*, which are of a changing colour. The same was done with the figure of the Creator, and those who had charge of it called this ceremony *Pilcoyacu*. At about eight or nine in the morning the principal lord Ynca, with his wife, and the lords of the council who were in his house, came forth into the great square of Cuzco, richly dressed. They also brought out the image of the Sun called *Apupunchau*, which was the principal image among those in the temple. They were accompanied by all the priests of the Sun, who brought the two figures of gold, and their women called Ynca-Ocllo and Palla-Ocllo. There also came forth the woman called Coya-facssa, who was dedicated to the Sun. She was either the sister or the daughter of the ruler. The priests carried the image of the Sun, and placed it on a bench prepared for it in the square. The priests of the Creator likewise brought forth his image, and deposited it in its place. So also did the priests of the Thunder, called Chuqui-ylla, bring forth his image. Each had its bench of gold, and before them were borne *yauris*, which were made like sceptres of gold. The priests of these *huacas* came in very rich dresses, to celebrate this feast. Those who had charge of the huaca called Huanacauri, also brought its figure into the square. They say that a woman was never assigned to the *huaca* of the Creator. It was believed that the Creator did not need women, because, as he created them, they all belonged to him. In all their sacrifices, the first was offered to the Creator. At this feast they brought out all the embalmed bodies of their lords and ladies, very richly adorned. The bodies were carried by the descendants of the respective lineages, and were deposited in the square on seats of gold, according to the order in which they lived.

All the people of Cuzco came out, according to their tribes and lineages, as richly dressed as their means would allow; and, having made reverences to the Creator, the Sun, and the lord Ynca, they sat down on their benches, each man according to the rank he held, the Hanan-Cuzcos being on one side, and the Hurin-Cuzcos on the other. They passed the day in eating and drinking, and enjoying themselves; and they performed the *tauqi* called *alançitua saqui*, in red shirts down to their feet, and garlands called *pilco-casa* on their heads; accompanied with large or small tubes of canes, which made a kind of music called *tica-tica*. They gave thanks to the Creator for having spared them to see that day, and prayed that they might pass another year without sickness; and they did the same to the Sun and to the Thunder. The Ynca came with them, having the Sun before him. He had a great vase of gold containing chicha. It was received by the priest, who emptied it into the urn, which, as has been said, is like a stone fountain plated with gold. This urn had a hole made in such a way, that the chicha could enter a pipe or sewer passing under the ground to the houses of the Sun, the Thunder, and the Creator. The priests came in procession, and the families of Hurin and Hanan Cuzco, each with the embalmed bodies of their ancestors. They passed that day in the manner already described, and in the evening they took back the Sun and the other *huacas* to their temples, and the embalmed bodies to their houses. The Yncas, and the rest of the people also returned to their homes.

The next day they all came to the great square in the same order, placing the *huacas* on their benches as before. The Ynca and the people brought with them a very great quantity of flocks from all the four quarters of Colla-suyu, chinchay-suyu, Antis-suyu, and Cunti-suyu. The number of animals was so great, according to those who made this declaration, that they amounted to more than one hundred thousand, and it was necessary that all should be without spot or blemish, and with fleeces that had never been shorn. Presently the priest of the Sun selected four of the most perfect, and sacrificed them in the following order: one was offered to the Creator, another to the Thunder, another to the Sun, and another to Huanacauri. When this sacrifice was offered up, the priest had the *sancu* on great plates of gold, and he sprinkled it with the blood of the sheep. The white fleece-bearing sheep were called *cuyllu*; and the plates containing *sanco* were

in front of the bench of the Sun. The high priest then said in a loud voice so that all might hear:

> Take heed how you eat this *sancu*; for he who eats it in sin, and with a double will and heart, is seen by our father, the Sun, who will punish him with grievous troubles. But he who with a single heart partakes of it, to him the Sun and the Thunder will show favour, and will grant children and happy years, and abundance, and all that he requires.

Then they all rose up to partake, first making a solemn vow before eating the *yahuar-sancu*, in which they promised never to murmur against the Creator, the Sun, or the Thunder; never to be traitors to their lord the Ynca, on pain of receiving condemnation and trouble. The priest of the Sun then took what he could hold on three fingers, put it into his mouth, and returned to his seat. In this order, and in this manner of taking the oath, all the tribes rose up, and thus all partook down to the little children. They all kept some of the *yahuar-sancu* for those who were absent, and sent some to those who were confined to their beds by sickness; for they believed it to be very unlucky for any one not to partake of the *yahuar-sancu* on that day. They took it with such care that no particle was allowed to fall to the ground, this being looked upon as a great sin. When they killed the sacrificial sheep, they took out the lungs and inflated them, and the priests judged, from certain signs on them, whether all things would turn out prosperously in the coming year or not. Afterwards, they burnt them before the Creator, the Sun, and the Thunder. The bodies of the sheep were divided and distributed, as very sacred things, a very small piece to each person. The rest was given to the people of Cuzco to eat, and each man, as he entered the square, pulled off a piece of the wool, with which he sacrificed to the Sun. When they distributed the sheep, the priests offered up the following prayers.

Prayer to the Creator

Aticsi-Uiracochan [caylla] caylla-Uiracochan tocapo ac nupo viracochan camachurac caricachun huarmicachun ñis pallurac rurac camas cayqui churascaiqui casilla quespilla canca musac maipimcanqui ahuapichu ucupichu pusupichu llantupichu huyarihuay hayniquay yuihuay ymay-

O Creator! [O conquering Uirachocha! Ever present Uiracocha!] Thou who art without equal unto the ends of the earth! Thou who givest life and strength to mankind, saying, let this be a man and let this be a woman: And as thou sayest, so thou givest life, and vouchsafest that men

pachacama haycaypachacama canca chihuay marcarihuay hatallihuay caycustayri chasquihuay may piscapapas Uiracochaya.

shall live in health and peace, and free from danger: — Thou who dwellest in the heights of heaven, in the thunder, and in the storm clouds, hear us! and grant us eternal life. Have us in thy keeping, and receive this our offering, as it shall please thee, O Creator!

Another Prayer for Fruitful Flocks

Uiracochan apacochan titu-Uiracochan hualpai huana-Uiracochan topapo acnupo Uiracochan runayachachachuchun hucermayachachachun mirachun llactapachacasilla quispillacachun camas-cayqui taquacaycha yatalliymay Pachacama haycay Pachacama.

O Creator! who doest wonders and marvels. O most merciful and almighty Creator! multiply our flocks and cause them to bring forth young, let the land continue in peace and free from danger, and these whom thou hast made, hold them in thy hand.

To the Huacas

Coy [caylla] Uiracochan ticçi Uiracochan hapacochan hualpai huana Uiracochan chanca-Uiracochan acsa-Uiracochan atun-Uiracochan caylla-Uiracochan tacancuna hunichic llaullaruna y achacuc ccapac hahuay pihucupi Puris papas.

O Creator, thou who art coeval with the world! O Chanca-Uiracocha! O Atun-Uiracocha! grant our prayer, that thou wilt, with the Creator, give health and prosperity to the people.

Chanca-Uiracocha was a *huaca* in Chuqui-chaca, where was Manco Ynca. Atun-Uiracocha is in the *huaca* of Urcos; where there was an eagle and a falcon carved in stone at the entrance of the *huaca*, and an image of a man with a white robe reaching to his feet, and coming down to his waist. Apotin-Uiracocha is in Amaybamba, beyond Tampu. Urusayua-Uiracocha is in the same place. Chuqui-chanca-Uiracocha is in Huaypau.

Another Prayer

O Uiracochan cusiussapochay lipo-Uiracochaya runacay amaycay miruna yana huaccha quisaruna yquicauras cayquichuras cayquicasiquispilla camachun huarmay huanchurin huanchin canta amaquaquinta huarya

O most fortunate and propitious Creator, have pity and mercy upon all men whom thou hast made. Keep thy poor servants in health. Make them and their children to walk in a straight road, without thinking any

yaichichuruay huasa causachun mana alleas pamana pitispa mucumuchun. Upia muchun.

evil. Grant that they may have a long life, and not die in their youth, and that they may live and feed in peace.

Another Prayer

O Uiracochay [atic]a ticçi-Uiracochaya hualparillac camacchurac cay hurin pacha pimicuchun upiachun ñispachurascay quictacamascay quita micuynin yachachun papacara ymaymana micuncancachun ñis-cayqui tacamachic michachic mana muchuncunpac mana muchuspacan yñincampac amacaçachunchu amachupichupichichunchu casilla huacaychamuy.

O Creator! Lord of the ends of the earth! O most merciful! Thou who givest life to all things, and hast made men that they may live, and eat, and multiply. Multiply also the fruits of the earth, the *papas* and other food that thou hast made, that men may not suffer from hunger and misery. O preserve the fruits of the earth from frost, and keep us in peace and safety.

Prayer to the Sun

Uiracocha yapunchau cachuntu tacachun ñispac nicpacarichun yllarichun ñispac nicpunchaochuri yquicta casillacta quispillacta purichic runarunascay quicta cauchay uncancampac Uiracochaya casilla quispilla punchau yncarunayanani uhiscayquita quillari canchari amahuncochispa amananu chispa cacicta quispicha huacus-chaspa.

O Creator! Thou who gavest being to the Sun, and afterwards said let there be day and night. Raise it and cause it to shine, and preserve that which thou hast created, that it may give light to men. Grant this, O Creator!

O Sun! Thou who art in peace and safety, shine upon us, keep us from sickness, and keep us in health and safety.

Prayer for the Ynca

A-Uiracochan ticçi-Uiracochan hualpa y huana-Uiracochan atun-Uiracochan Tarapaca-Uiracochan capaccachun Yncacachun nispachucapac churaspac quicta Ynca camascayquita casillacta quispullacta Huacaychamuy runan yananya chachuchun accari punari usachun ymaypacha cama ama allcachispa churinta mitanta quanpas huacay chay chaycaçillacta uiracu-chaya.

O pious Creator, who ordered and saw fit that there should be a Lord Ynca, grant to the Ynca that he may be kept in peace, with his servants and vassals, that he may obtain the victory over his enemies and always be a conqueror. Cut not short his days, nor the days of his children, and give them peace, O Creator!

Another Prayer

Uiracochaya qualpay huana-Uiracochaya ninacta casi quispillacta capac Ynca-churi yquiguarmayqui pacamascayqui huacay chamuchun hatallimuchun pachachacara runa llama micuy paycaptin yacachun ccapac Ynca camascayquita Uiracochaya ayni huni marcari hatalli ymaypachacama.

O Creator! Vouchsafe that the subjects of the Ynca may have peace while thy son the Ynca lives, to whom thou hast said: Be thou Lord! Grant that they may multiply. Keep them in peace, let their days be prosperous, let their farms yield increase; and keep this Lord Ynca in thy hand for ever, O Creator!

Another Prayer

Pachacama casillacta quispillacta Ccapac Ynca huahuay quicta marcari atalli.

O Creator of the world, keep thy child the Ynca in peace and security upon it.

Prayer for all the Yncas

Apunchau Ynca Yutiryayay Cuzco tampu cachun aticoclla saccoccachun ñispa churac camac muchas-cay quicusiquispu cachun amatisca amalla sasca cachunchu aticuc paclla sacapac camascayqui churascayqui.

O Sun! Thou who hast said, let there be Cuzcos and Tampus, grant that these thy children may conquer all other people. We beseech thee that thy children the Yncas may be conquerors always, for this hast thou created them.

Prayer for all the Huacas

O pachachulla Uiracochan ucuhulla Uiracochan huaca-vilcacachun nispacamacatu napahuay pihuana tayna allastu Uiracochaya hurinpacha anacpacha cachun nispa nicocupa chapipuca umacta churachay nihuay hunihuay quispicasica musac Uiracochaya micuy niocmin cacyoc curayoc llamayoc ymayna yochaycaymayoc amacacharihuay cuchuy maymana aycay mana chiquimanta catuiman manta nacasca hustusca amusca manta.

O sacred Huacas, ancestors, grandsires, and parents! O Hatun-apu! O Hualpa-huanatayua! O Apu Allastu! bring us near to the Creator, us thy sons, and our children, that they may be fortunate and near the Creator, as thou art.

When they had distributed the flocks, the sheep were killed in great numbers, to be eaten on that day. Then a vast quantity of chicha was brought into the square, from the store houses where it was kept. It was made of boiled white maize, in the valley of Cuzco. The flocks that

were used at this festival were the property of the Creator, the Sun, and the Thunder, from their estates set apart in all the provinces of Peru. Having finished eating with much rejoicing, they performed their *taquis*, and drank in the same order as on the day before. This continued for four days. The first day of the festival was called *Citua*, and it was then that they ate the *sancu* called *yahuar-sancu*. The second day was dedicated to the Creator, the Sun, and the Thunder, when they performed sacrifices, and a prayer was offered up for the Ynca. The fourth day was for the Moon and the Earth, when the accustomed sacrifices and prayers were offered up. On a subsequent day people of all the nations, that had been subdued by the Yncas, came with their *huacas* and in the richest costumes, peculiar to their respective countries, that they could procure. The priests, who had charge of the *huacas*, carried them on litters. When they entered the square, coming from the direction of the four *Suyus* already mentioned, they made reverences to the Creator, the Sun, and the Thunder, and to the Huanacauri, a *huaca* of the Yncas, and then they did the same to the Ynca, who was in the square on that occasion. Having made these obeisances, they proceeded to the places assigned to them, and, in order to make more room, the families of Hanan-Cuzco and Hurin-Cuzco formed themselves into one, and thus left more space in the square. As soon as all the people were in their places, the High Priest of the Sun sprinkled a large quantity of *sancu* with blood, and the Caciques rose up in their order, and repeated the following:

Prayer to the Creator

Aticçi Uiracochan caylla Uiracochan tocapu acnupu Uiracochan camac churac carica chuyuarmicachun nispallutac rurac camascay quichuras cayquicasilla quispilla causamus ay maypincanqui ahuapichu ucupichu llantupichu uyarihua ayrihuay ynihuay ymay pachacamac cançachihuay marcallihuay attollihuay caycoscay tarichasquihuay may picaspapas Uiracochaya.

O Creator! ?[O conquering Viracocha! Ever present (*caylla*) Viracocha!] Thou who art in the ends of the earth without equal! Thou who gavest life and valour to men, saying, Let this be a man! and to women, saying, Let this be a woman! Thou who madest them and gave them being! Watch over them that they may live in health and peace. Thou who art in the high heavens, and among the clouds of the tempest, grant this with long life, and accept this sacrifice, O Creator!

Then the Priest of the Sun distributed the *sancu*, and afterwards the people ate the flesh of the sheep which had been sacrificed to the Creator, the Sun, and the Thunder. Each nation passed the rest of the day in performing the *taqui* and in singing and dancing, according to the custom of their respective countries before they were subdued by the Yncas. On this day all the deformed persons, who had previously been expelled from Cuzco, were allowed to join the feast. This part of the feast lasted for two days, and at its conclusion, in the evening, they burnt in sacrifice a sheep, and a vast quantity of clothes of many colours. Then those who had to return to their homes, sought permission from the Creator, the Sun, the Thunder, and the Ynca, which was granted, and they left at Cuzco the *huacas* they had brought there in that year. They returned to their homes with the *huacas* they had brought for the festival of the previous year, and, as a recompense for their trouble in having come from such great distances, their chiefs were given gold and silver and clothes and servants, and permission to travel in litters. Their *huacas* were also granted estates and attendants to wait on them, and so they returned to their homes.

The inventor of this feast was Ynca Yupanqui, at least he established the above ceremonies, for though it was celebrated from the time that there ever were Yncas, it was not performed in the order described above. The rest of the month was passed as each man found it convenient, or as suited him best. The same feast, called *Situa*, was celebrated at the chief places in all the provinces, by the Ynca governors, wherever they might be: and, although the ceremonies were less grand, and the sacrifices fewer, no part of the festival was omitted.

3. Lake Titicaca and its Sacred Island

[1871? Ephraim George Squier, *Peru; Incidents of Travel and Exploration in the Land of the Incas* (1877), 329–338. Reprinted by permission of the publishers, Henry Holt and Company, New York.]

Mr. E. George Squier undertook, after the term of his office of United States Commissioner to Peru had expired, an exploring expedition into the interior of the Land of the Incas. He spent almost two years there studying the aboriginal Inca monuments and the topography of the country. The following excerpts give a fairly good description of the great Titicaca Lake and its islands.

I do not think I shall find a better place than this for saying a few words about Lake Titicaca, which was for many weeks a conspicuous feature in our landscape, and which is, in many respects, the most extraordinary and interesting body of water in the world. It is a long, irregular oval in shape, with one-fifth of its area at its southern extremity cut nearly off by the opposing peninsulas of Tiquina and Copacabana. Its greatest length is about 120 miles, and its greatest width between 50 and 60 miles. Its mean level is 12,488 feet above the sea. With a line of 100 fathoms I failed to reach bottom, at a distance of a mile to the eastward of the island of Titicaca. The eastern, or Bolivian, shore is abrupt, the mountains on that side pressing down boldly into the water. The western and southern shores, however, are comparatively low and level, the water shallow and grown up with reeds and rushes, among which myriads of water-fowls find shelter and support.

The lake is deep, and never freezes over, but ice forms near its shores and where the water is shallow. In fact, it exercises a very important influence on the climate of this high, cold, and desolate region. Its waters, at least during the winter months, are from ten to twelve degrees of Fahrenheit warmer than the atmosphere. The islands and peninsulas feel this influence most perceptibly, and I found barley, pease, and maize, the latter, however, small and not prolific, ripening on these, while they did not mature on what may be called the main-land. The prevailing winds are from the north-east, and they often blow with great force, rendering navigation on the frail balsas, always slow and difficult, exceedingly dangerous. The lake has several considerable bays, of which those of Puno, Huancané, and Achacache are the principal. It has also eight considerable habitable islands, viz.: Amantené, Taqueli, Soto, Titicaca, Coati, Campanario, Toquare, and Aputo. Of these the largest is that of Titicaca, on which we have just landed; high and bare, rugged in outline as ragged in surface, six miles long by between three and four in width.

This is the sacred island of Peru.[1] To it the Incas traced their origin, and to this day it is held by their descendants in profound veneration. According to tradition, Manco Capac and his wife and

[1] "It is called sacred," says Pedro Cieza de Leon, "because of a ridiculous story that there was no light for many days, when the sun rose resplendent out of the island; and hence they built here a temple to its glory, which was held in great veneration, and had virgins and priests belonging to it, with mighty treasures."

sister, Mama Ocllo, children of the Sun, and commissioned by that luminary, started hence on their errand of beneficence to reduce under government and to instruct in religion and the arts the savage tribes that occupied the country. Manco Capac bore a golden rod, and was instructed to travel northwards until he reached the spot where the rod should sink into the ground, and there fix the seat of his empire. He obeyed the behest, travelled slowly along the western shore of the lake, through the broad, level *puna* lands, up the valley of the Pucura, to the lake of La Raya, where the basin of Titicaca ends, and whence the waters of the river Vilcanota start on their course to swell the Amazon. He advanced down the valley of that river until he reached the spot where Cuzco now stands, when the golden rod disappeared. Here he fixed his seat, and here in time rose the City of the Sun, the capital of the Inca empire.

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Upon this island, the traditional birthplace of the Incas, are still the remains of a temple of the Sun, a convent of priests, a royal palace, and other vestiges of Inca civilization. Not far distant is the island of Coati, which was sacred to the Moon, the wife and sister of the Sun, on which stands the famous palace of the Virgins of the Sun, built around two shrines dedicated to the Sun and the Moon respectively, and which is one of the best-preserved as well as one of the most remarkable remains of aboriginal architecture on this continent. The island of Soto was the Isle of Penitence, to which the Incas of the ruling race were wont to resort for fasting and humiliation, and it has also many remains of ancient architecture.

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At almost the very northern end of the island, at its most repulsive and unpromising part, where there is neither inhabitant nor trace of culture, where the soil is rocky and bare, and the cliffs ragged and broken — high up, where the fret of the waves of the lake is scarcely heard, and where the eye ranges over the broad blue waters from one mountain barrier to the other, from the glittering crests of the Andes to those of the Cordillera, is the spot most celebrated and most sacred of Peru. Here is the rock on which it was believed no bird would light or animal venture, on which no human being dared to place his foot; whence the sun rose to dispel the primal vapors and illume the world; which was plated all over with gold and silver, and covered, except on

occasions of the most solemn festivals, with a veil of cloth of richest color and material; which sheltered the favorite children of the Sun, and the pontiff, priest, and king who founded the Inca empire.[1]

Our guides stopped when it came in view, removed their hats, and bowed low and reverently in its direction, muttering a few words of mystic import. But this rock to-day — alas for the gods dethroned! — is nothing more than a frayed and weather-worn mass of red sandstone, part of a thick stratum that runs through the island, and which is here disrupted and standing, with its associated shale and limestone layers, at an angle of forty-five degrees with the horizon. The part uncovered and protruding above the ground is about 225 feet long and 25 feet high. It presents a rough and broken and slightly projecting face, but behind subsides in a slope coinciding with the declivity of the eminence of which it is part. In the face are many shelves and pockets, all apparently natural. Excepting that there are traces of walls around it of cut stone, and that the ground in front is artificially levelled, there is nothing to distinguish it from many other projections of the sandstone strata on the island and the main-land. Calancha, one of the oldest chroniclers of this region, well observes that it has no special features to arrest the eye or fix the attention.

Its position, however, is remarkable. It is on the crest of a ridge connecting with a bold promontory — a high, rocky mass, with precipitous sides and dark, cavernous recesses, which forms the northern extremity of the island. On every side are bare rocks, heaped confusedly, except in front of the sacred stone itself, where, as I have said, there is a level, artificial terrace, 372 feet long and 125 feet broad, supported by a stone wall. At each outer corner of this terrace are the remains of small, square structures, probably those referred to by the chroniclers as the shrines of the Thunder and Lightning. According to tradition, the earth of this terrace was brought from the distant rich and fertile valleys of the Amazonian rivers, so that it might nourish a verdure denied by the hard, ungrateful soil of the island.

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[1] Calancha and Ramos report, on the authority of the oldest and best-informed Indians of their day, that "the whole concavity of the rock was covered with plates of gold and silver and that in its various hollows different offerings were placed, according to the festival or the occasion. The offerings were gold, silver, shells, feathers, and rich cloth of *cumibi*. The entire rock was covered with a rich mantle of this cloth — the finest and most gorgeous in colors of any ever seen in the empire."

4. The Art of Trepanning among the Peruvian Indians

[1871? Ephraim George Squier, *Peru: Incidents of Travel and Exploration in the Land of the Incas* (1877), 577–579. Reprinted by permission of the publishers, Henry Holt and Company, New York.]

The frontal bone of a skull found in an Indian cemetery in the valley of Yucay, Peru, presented an interesting case of trepanning before death. According to Squier the skull was submitted to the best surgeons of the United States and Europe for investigation. He added that it was "regarded by all as the most remarkable evidence of surgery among the aborigines yet discovered on this continent; for trepanning is one of the most difficult of surgical processes. The cutting through the bone was not performed with a saw, but evidently with a burin, or tool like that used by engravers on wood and metal. The opening is fifty-eight hundredths of an inch wide and seventy hundredths long."[1] The following excerpts are from the description of this skull by M. Broca before the Anthropological Society of Paris.

The walls of the skull are very thick, and it presents characteristics which could only belong to an Indian of Peru. And I shall proceed to show that the trepanning was practised during life.

Upon the left side of the external plate of the frontal bone there is a large white spot, quite regular, almost round, or rather slightly elliptical, forty-two millimetres long and forty-seven broad. The outlines of this spot are not irregular or sinuous. The surface is smooth, and presents the appearance of an entirely normal bone. Around this, to the edges, the general color of the skull is notably browner, and is perforated with a great number of small holes, caused by dilatation of the canaliculi. The line of demarkation between the smooth and cribriform surface is abrupt, and it is perfectly certain that the smooth surface had been denuded of its periosteum several days before death. It is thus, in truth, that denudations of the cranium behave. In the denuded points, the superficial layer of the external table, deprived of vessels, and thus deprived of life, undergoes no change, and preserves its normal structure; while the surrounding parts, in undergoing the effects of traumatic inflammation, become the seat of the ostitis.

[1] *Peru: Incidents of Travel and Exploration in the Land of the Incas*, 457.

After considering the development of these perforations (*porosités*) of the external table of the denuded surface, it seems to me impossible to admit that the subject could have survived the denudation less than seven or eight days. M. Nélaton, who examined the specimen, thinks he may have survived fifteen days.

The trepanning was performed in the centre of the denuded part; but the four incisions, which circumscribe the removed portion, extend at their extremities to the very limits of the denudation. It is, from this, certain that the separation of the periosteum was produced by the surgeon who performed the operation; for the denudation, more regular than it could be as the result of an accident, presents exactly, neither more nor less, the dimensions and form necessitated by the operation done upon the bone.

This operation consists of four linear incisions, two of which are horizontal and two perpendicular — the horizontal lines cutting the vertical ones at right angles, and sufficiently separated to include a rectangular portion of the bone fifteen millimetres long and seventeen wide; the rectangular portion of bone included by the lines was entirely removed down to the dura mater, and the result is a loss of bone, whose absolute extent corresponds very nearly to that produced by our circular trephines of ordinary size.

At their middle part the four incisions in the bone occupy its entire thickness, which at this point is six millimetres; and beyond the limits of the removed portion they become more and more superficial, and terminate in a slight depression on the surface of the bone at the limits of the denudation. The width of the incisions is about two millimetres in their middle and superficial part. This width diminishes in the deep parts, so that the bottoms of the cuts become linear: it diminishes in the same way in approximating the extremities of the incisions. . . .

There is evidently no resemblance between this mode of trepanning and that which has been known from time immemorial in Indo-European surgery. This is not, however, the first time that we have shown how very different in America and the Old World were the first sources of industry, of sciences, and arts.

In conclusion, I call attention to another question. For what motive has this trepanning been performed? There is no fracture or fissure of either external or internal table. We notice, it is true, on

the internal table several very delicate linear cracks, but these present all the ordinary characters of those produced by time, and which are found in the majority of old crania. There was, then, no fracture; and the surgeon who performed the operation could consequently only be governed by the functional troubles in diagnosing the existence of an intracranial lesion. Was this diagnosis correct? Did the operation succeed in evacuating a fluid poured into the cranium? I am far from affirming this, but am tempted to believe it. In truth, the internal table around the opening is the seat of a very different alteration from that which existed on the external table around the denudation. It is in patches, the seat of little perforations (*porosités*), which attest the existence of an ostitis; but this does not seem to have been the result of the trepanning, because it is not at all regularly distributed around the opening. It is entirely wanting above the opening, it is slight below, a little better marked on the outside, and is only really well pronounced about a centimetre and a half on the inner side of the internal border of the opening. These peculiarities and several others, which would take too long to detail, are well explained, if we suppose that there had been for some days before the operation an effusion of blood under the dura mater.

What astonishes me is not the boldness of the operation, as ignorance is often the mother of boldness. To trepan on an apparent fracture at the bottom of a wound is a sufficiently simple conception, and does not necessitate the existence of advanced surgical art; but here the trepanning was performed on a point where there was no fracture, or probably even no wound, so that the surgical act was preceded by a diagnosis. That this diagnosis was exact, as is probable, or that it was false, we are in either case authorized to conclude that there was in Peru, before the European epoch, an advanced surgery; and this idea, an entirely new one, is not without interest in American anthropology.

5. The Agricultural System of the Ancient Peruvians

[May, 1916. O. F. Cook, "The Staircase Farms of the Ancients," in the *National Geographic Magazine*, XXIX, 474 ff. Reprinted by permission of the National Geographic Society of Washington.]

The National Geographic Society and Yale University organized a Peruvian expedition in 1915 under the direction of

Dr. Hiram Bingham. Its main purpose was to continue the explorations of the expeditions of 1911, 1912, and 1914. Mr. O. F. Cook, botanist of the National Geographic Society and member of the Bureau of Plant Industry of the United States Department of Agriculture, was a member of the expedition of 1915 in the capacity of botanist. He made a careful study of the plant life in the region about the famous old Inca capital of Machu Picchu. The following excerpts from his article in the *National Geographic Magazine* describe the system of agriculture practiced by the ancient Peruvians.

Agriculture is not a lost art, but must be reckoned as one of those that reached a high development in the remote past and afterward declined, and has not yet recovered its ancient prestige. The system of agriculture developed by the ancient Peruvians enabled them to support large populations in places where modern farmers would be helpless.

The most specialized development of agriculture in the Western Hemisphere was attained, unquestionably, in Peru, and the culmination was reached centuries ago, before Columbus discovered America. Still farther back there must have been a period of slow and gradual development — a period to be expressed in millenniums rather than in centuries. *At a time when our ancestors in northern Europe were still utter savages, clothed only in skins, and living by hunting and fishing, settled agricultural communities must have existed in the Peruvian region,* perhaps in the same valleys that contain the marvelous remnants of the prehistoric art.

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Doubtless all the preceding forms of agriculture were represented in Peru in ancient times, as they are at the present day; but they must have had relatively little importance in comparison with a type still more advanced — a type quite unknown to the American farmer and scarcely to be seen in the United States, except to a very slight extent in ornamental grounds. This most specialized type of agriculture includes all of the preceding features — tillage, fertilizing, and watering the crops; but another is added — the artificial construction of the soil on which the crops are grown. *In the valleys where the ancient Peruvian agriculture was centered, most of the agricultural land is not natural soil, but has been assembled and put in place artificially.*

MARVELOUS TERRACE AGRICULTURE

This most specialized type may be described as terrace agriculture, and is seen in its most conspicuous form when narrow terraces are built on steep slopes. Such terraces are found in many other countries, though it is doubtful whether any equal those of Peru. In Peru the artificial reconstruction of the soil surface was not limited to the terraced slopes, but was also undertaken in large areas of reclaimed land in the bottoms of the valleys. The courses of rivers were narrowed and straightened by strong walls, and then the land behind the walls was filled in, and finally a surface layer of fine agricultural soil was put on.

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The narrow floors and steep walls of rocky valleys that would appear utterly worthless and hopeless to our engineers were transformed, literally made over, into fertile lands, and were the homes of teeming populations in the prehistoric days. That the work was well done there can be no possibility of doubt, for many thousands of acres of these artificial lands are still fertile and are the chief support of the modern population of the valleys. The native people take the amazing works of the ancients as a matter of course, as we accept the natural features that surround us, and are no more inclined than we are to such impossible undertakings as the ancient people accomplished.

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The most strikingly artificial feature of the ancient Peruvian agriculture was the covering of steep slopes with narrow terraces, supported by stone walls and watered by aqueducts built for many miles along the precipitous slopes of the mountains. Some of the terraces, those that characterize the Megalithic Age of Peru, were built of enormous stones, often of very irregular form, fitted together with wonderful nicety.

The labor expended in the construction of these terraces shows that they served some purpose that the builders considered very important. We learn from the early Spanish historians that the Incas had special gardens for raising the potatoes of the royal household, and that there was a general belief among the people that the growth of crops and the fecundity of the flocks were acutely dependent upon the welfare of the royal family. Hence there was an underlying practical reason for the deep solicitude of the people, so often remarked by the early historians, "That it might be well with the Inca."

COMPARED TO THE HANGING GARDENS OF PERU, THOSE OF BABYLON WERE INSIGNIFICANT

The hanging gardens of Babylon have long been reckoned as one of the wonders of the Oriental world; and yet they were a mere transient toy and for 3,000 years have been only a tradition. The hanging gardens of Peru, though of unknown antiquity, are still in existence, and doubtless as worthy of our admiration as were those of Babylon in the days of Herodotus and Strabo.

The Babylonian gardens are said to have been 400 feet square and as high as the walls of the city, variously stated at from 75 to 300 feet. The structure had the form of a pyramid, with broad steps, on which earth was placed for the growth of plants. No doubt such an artificial hill was a striking object in the plain of Babylon, and gave Nebuchadnezzar's Median queen a pleasant reminder of her mountain home, where, it may be, there were valleys with terraced slopes as in Peru.

Many banks of terraces in Peru are very much longer and very much higher than the Babylonian wonder. A bank of 50 terraces 10 feet high means a vertical height of 500 feet. Many slopes have more than 50 terraces, forming huge staircases as high as the Washington Monument, resting against the lower slopes of mountains that tower for thousands of feet above. It is only by taking the ancient works out of their natural setting that we can appreciate their gigantic proportions.

AN AMAZING SPECTACLE

In the days when they were built, the hanging gardens of Peru must have presented an amazing spectacle. All of the terraced valleys, with their teeming populations, were probably as clean of trees and shrubby vegetation as some of the valleys still are, where people have continued to be too numerous to permit of reforestation. Thus the terraces must have stood out in much greater prominence than they do now, when most of them are abandoned and overgrown with grass and bushes. In some of the valleys in the vicinity of Ollantaytambo reforestation is well advanced and the terraces now support large trees.

THEIR MEMORIAL TO THE GREAT WERE AGRICULTURAL TERRACES INSTEAD OF TOMBS

The building of terraces was developed into a fine art in Peru. *The skilled labor that was lavished in ancient Egypt on the tombs of the sovereigns appears to have been applied in Peru to the construction of gardens of special workmanship for raising the food of the royal family.* The ancient Peruvians made burial structures for the mummies of their dead, but the chief concern was for the living. The tombs were of modest proportions and were placed in caves or set high on the rocky cliffs in the mountains, not in locations suitable for agricultural purposes.

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THE STRUCTURE OF THE TERRACES

That the terraces, including those of the finest construction, were built for agricultural purposes is obvious as soon as their internal construction is taken into account. Each terrace consists, roughly speaking, of three parts — the wall and the two distinct layers of earth that fill the space behind the wall. *All of the ruined terraces show the same inside structure, wherever the walls are removed.* The strata that are hidden behind the walls are artificial no less than the stone facing.

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In height the terraces range usually from 8 to 14 feet, the width depending upon the slope. Terraces on very steep slopes or narrow shelves of rock are sometimes only 3 or 4 feet wide, though the usual range is from 8 to 15 feet, or still wider on the more gradual slopes. Banks of 20 to 30 terraces are not uncommon, while 50 or more are found in many cases.

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There is a tradition that earth for the Inca garden at Cuzco was brought from a special place near Quito, some 700 miles away. This may be taken at least as an indication that the soil was carried sometimes for long distances, and in such cases it probably was transported on pack animals.

THE WATERING OF THE TERRACES

Water was brought to the terraces from the slopes above in artificial channels or acequias leading down, often for many miles, from the gorges of the high mountains, where they intercepted perennial streams fed by the melting of the glaciers and snow-fields. Careful provision was made to avoid erosion of the soil or injury to the walls.

Three different methods of bringing the water down from one terrace to another are to be seen about Ollantaytambo. Some terraces have narrow vertical channels near the ends of the retaining walls. In other banks of terraces the water was brought down over large upright stones and caught in a basin below.

The third method was to carry the water down along the walls at the ends of the terraces, which were set with double rows of stones to form the water channel between.

Long banks of terraces are interrupted at intervals by passageways that doubtless served the double purpose of roads for reaching the terraces and of drainage channels to bring down surface water from the slopes above, and thus avoid the danger of having terraces washed away by heavy rains.

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A LAND-STARVED PEOPLE ACCOMPLISH THE INCREDIBLE

Some of the most laborious terracing is not on the steep slopes, where the terraces are high-walled and narrow, but in the bottoms of the valleys, where the terraces are often very broad. The building of broad terraces required more labor because it involved the filling and leveling of much larger areas behind the walls. Much of the work could have been avoided by making larger numbers of lower and narrower terraces, but the walls would have been more numerous and would have occupied more of the surface.

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STRAIGHTENING OF RIVER BANKS AND STREAM BEDS

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The natural behavior of swift mountain streams is to cut irregular channels back and forth between the walls of their valleys, but in the terraced valleys of Peru it is the regular condition to find the rivers

and smaller streams confined to channels of definite width, and sometimes kept in straight courses for several miles at a stretch, as in the case of the Urubamba River near Pisac, and again below Ollantaytambo. In the latter instance the river runs for nearly five miles in a straight course, and, although the ancient walls that were built to confine the river have remained intact in only a few places, the artificial nature of the channel is obvious.

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MORE PLANTS WERE DOMESTICATED IN PERU THAN IN ANY OTHER PART OF THE WORLD

It was fortunate for the rest of the world that the ancient Peruvians practiced agriculture under so wide a range of natural conditions, since this led to the domestication of a large series of crop plants. More plants appear to have been domesticated in the Peruvian region than in any other part of America. A large proportion of the cultivated species were limited to this part of the world, so that no question can be raised of their having been brought from other regions. Other kinds of crop plants used by the Peruvians were widely distributed in ancient America, more especially the tropical species, those that are grown at low elevations. If these also originated in Peru, that region was responsible for by far the larger part of the American series of crop plants, more than all other parts of America taken together.

Among the more important crop plants that were cultivated by the ancient Peruvians were maize, or Indian corn, potato, sweet potato, and cassava. . . .

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6. What is Civilization?

The Answer of Ancient America

[August and September, 1925. Herbert Joseph Spinden, "What is Civilization?" in the *Forum*, LXXIV, No. 2, 162 ff., and No. 3, 371 ff. Reprinted by permission from the author, and from the publishers, the Forum Publishing Company, New York.]

A series of articles giving answers to the question "What is Civilization?" appeared in the *Forum* during the first eight

months of the year 1925. All the series contributed valuable information, but the two articles by Dr. Herbert Joseph Spinden were especially illuminating. The writer is one of the leading anthropologists of America and curator of Mexican archæology and ethnology in the Peabody Museum of Harvard University. He is also an author of international standing. " . . . my greatest thrills have come," he writes, "from exploring time rather than space. The vista of a thousand years down some of the lesser known vales of history is to my mind finer than any challenge of depths and heights to be found in the Andes." He adds: "As a result of geographical and temporal wanderings I have become both a cosmopolite and chronopolite; this latter word is not yet in the dictionaries, having been invented a minute ago to fill a long-felt want. It is defined by analogy: as a cosmopolite sees good in all people, so a chronopolite sees good in all times." Dr. Spinden is doing an excellent piece of work in calling attention to the cultural achievements of the ancient peoples of the New World. The following excerpts deal with the cultural advance of these peoples.

The progress of humanity towards higher coöperation can now be studied in two independent families of civilizations, one in the Old World, another in the New. In each case it is possible to examine a transformation of human society out of the wandering, predatory herd into the agricultural community, and then, by slow degrees of expansion, into the nation and the master nation.

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In the Old World and the New the higher destinies of man were independently solved. But because the nations of western Europe adopted as the best arguments of superiority certain engines of coercion they were able to subdue the most civilized nations of America in a trice. Mexico and Peru were conquered because of their high culture, not in spite of it. The nations of Europe could not conquer the uncivilized peoples so easily because here there were no social orders to usurp, no stores of food to feed armies, and no display of wealth to attract mercenary adventurers into armies.

The display of the great nations of the earth is mostly paid for by compromise or complete negation of their own civilizing principles where outsiders are concerned. The working of that wonderful system of morality known as the ethics of Christian nations makes one group of political entities superior to its own laws when dealing with another group. Ownership and sovereignty were denied to Montezuma and Atahualpa, as they are being denied to the Riffians or the Javanese to-day. This code of privilege is based on a concept of civilization not justified by cultural abilities. When England, setting up as the foremost champion of social justice, provoked the Opium War with China in order to increase a tribute from degradation, her action meant that China was outside the law. Yet China has social personality at its highest, she has arts, ethics, science, covering three times the space of England's life.

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Opportunity, or the lack of it, is another name for environment. There are great differences between the natural layout in the Eastern and in the Western Hemisphere which must be given due weight when we compare civilizations. In America few animals were available as helpers of men. The llama was domesticated in Peru, but in Central America and Mexico there was no wild animal capable of being transformed into a burden bearer. In the Old World there were various draft animals, but the horse will perhaps be most notable in human history because of his connection with the extended use of a mechanical device known as the wheel. . . .

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Similarly in America there is an earlier arid land civilization with irrigation, and a later wet land phase. The first domesticated plants were maize, beans, pumpkins, and tobacco which passed far and wide. Tomatoes, peppers, potatoes, were later developments in the arid zone. In the wet lands we find an adjustment of several dry land plants and an original domestication of such new foods as manioc, sweet potatoes, cocoa, pineapples, and so forth. In addition there are fibres, gums, and medicines, — including cotton, henequen, and cabbage, rubber and chicle, quinine, cocaine, and others. The list of animals and birds is smaller but includes our national feast fowl, the turkey, as well as muscovy ducks, llamas, and various dogs.

In the economic layout of the two hemispheres the only common element was cotton, and here the New World developed finer species than the Old. The swaddling clothes of the squatting swamis are now mostly woven of American cotton which has driven the British Indian fibre from the world's market. Maize, or Indian corn, is a marvelously domesticated plant, tamed and broken to more kinds of soil and climate than any Old World plant.

But this material condition has its spiritual side. The upbreeding of plants among American Indians was largely the result of a ceremonialism which intruded into the matters of everyday life. Careful regulations were prescribed by the priests in the acts of agriculture. For instance, the Tewas of New Mexico to-day distinguish twelve types of corn, each type having a supernatural corn youth and corn maiden as its protector. They plant these types of corn in separate patches and select the most perfect ears for seed. The Mayas of Yucatan have varieties that ripen in six weeks from planting, and others that mature at different intervals up to five months. Hundreds of fixed kinds of maize, adjusted now to dry lands, now to wet, ranged in ancient America from sea level to fifteen thousand feet elevation, and from the mouth of the Rio de la Plata to the mouth of the St. Lawrence.

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The Maya civilization rose with great demonstrations of intellectual and artistic power from the level of this archaic one,[1] beginning about 1000 B.C. The Mayas lived in the wet lands of Central America after first adjusting the vegetable foods of the highlands to their habitat. Then they domesticated other plants which were properly of humid origin. A great development of excess food let population increase till there were millions of human beings on the plains of Yucatan. This profit from the ground did not produce laziness but yielded, instead, pyramids and temples, and paid for the costly upkeep of kings, priests, and artists.

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In America two, or perhaps three, basic species of cotton were developed into a great many varieties and were bred to yield fibre three or four times as long as the cotton plants of British India. Cotton

[1] That is, the civilization developed on the highlands of Mexico and Central America. According to Doctor Spinden the maize and the beans and the pumpkins were domesticated between 4,000 and 3,000 B.C. in these highlands.

fabrics are found in the Southwest among remains of the pre-Cliff-Dwellers. Columbus was the son of a weaver and was familiar with the scraggy cotton that the Arabs brought to Spain. His first day ashore in the Bahamas was spent in trading red caps and glass beads for cotton thread in balls.

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But it is perhaps worthy of note that the art of weaving had been carried very far in America, the fibres being cotton, henequen, the wool of the llama, alpaca, vicuña, and other allied animals. Ancient Peru shows more varieties of weaving than any other place in the world, and they are of a degree of fineness untouched on the more celebrated looms of Asia or Europe. Wool weft on cotton warp, in tapestry technique, has been found with three hundred and twenty or more picks to a square inch. Various finishing processes were developed, such as tie dyeing and hand painting, but for the most part designs were mechanically involved in the weaving itself. Among the beautiful colors of the New World were cochineal, añil or indigo, fustic, and various other logwood stains.

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Purely intellectual matters, like the sciences of arithmetic and astronomy, so wonderfully developed by the Mayas, have excited the admiration of a limited number of special students. But probably not one mathematician in a hundred knows that place-value notation of numbers (the *sine qua non* of real arithmetic) was invented in America a clear thousand years before it was used in the Old World; that accurate chronological statement was arrived at, in terms of days counted from the epoch of an era, three hundred years before Seleucus Nicator started the first eral year count in the Eastern Hemisphere and twenty-three hundred years before Scaliger suggested the really comparable day-count of the Julian cycle. The astronomical results which the Mayas obtained by observation of the sun, moon, and planets reach a degree of accuracy greatly superior to that of the famed Hipparchus and practically equal to modern determinations. These are intellectual matters of great importance when comparisons are being made between civilizations. They demonstrate for America not only individual brilliancy, but that social continuity which is found only at the peak achievements of man.

Structures of stone and concrete, built with an eye to eternity and

in full pride and emulation, stand in the unpeopled forests of Central America as monuments to the immaterial social structures of the Mayas. Ruined courts and palaces, temples rich with the battered faces of forgotten gods, cities where no man lives, — these are evidences of civilization that modern city dwellers with multiple experiences in coöperation are fitted to understand.

Throughout the peninsula of Yucatan and in the sombre jungles of Guatemala are the crumbling glories of many capitals whose names are modern nicknames although archæologists can give the year and day when their buildings were dedicated, and whose kings and priests are likewise nameless although retained in stone portraits. These lost cities crowd the map in a territory that is otherwise deserted and mean that trade and war once thrived in a land that the modern age passes by.

Over the highlands of Mexico are other ruins much less splendid and not so closely grouped; passing to the north are the Cliff Dwellers' houses, and passing to the south we find such feudal strongholds as Machu Picchu in Peru. These, like Rome, were not built in a day. Their true significance is not to be measured only in mechanical difficulties that have been overcome or in works of art that fill the eye of the critic. Instead they are the outward historical proof of emotional coöperation that once prevailed among men, and they stand as the great refutation of theories of "Chosen Peoples," of "Favored Nordics," and other vain-glorious devices designed to shut the gates of mercy and fair dealings on outsiders.

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Back of this royal poet[1] looms a much greater figure in Quetzalcoatl, Toltec emperor, priest, philosopher, and scientist. The hard religious uses of his times were characterized by vicarious sacrifice of war captives, but he declared that true sacrifice was personal and that the gods loved only the contrite heart. Quetzalcoatl transcribed into the Mexican language the Mayan calendar and astronomical learning. He appears to have been one of the grandest figures in human history, but to explain fully the evidences concerning him would take us beyond the limits of this article.

[1] The Aztec Nezahualcoyotl, the "greatly beloved King of Tezcuco, a philosopher, and the composer of sixty songs." He died forty-seven years before the arrival of Cortés.

But Quetzalcoatl only recovered from the wastage of time the ideality that once built temples and carved monuments at Copan, Palenque, and Tikal. Our pieces of Mayan literature are few and of late date. But to great nations all forms of art are vehicles of emotional expression. If we do not have the plays of the nameless dramatists of Copan we at least have the theatre. If we do not have an eloquent appeal to patriotism over the grave of an unknown soldier we have the sculptured proofs of social unity in a hundred sites. We see kings seated upon thrones, wearing the masks of gods, we see worshipers who punish themselves through belief in an immaterial obligation. We find monuments erected to the progress of science and the records of scientific congresses.

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On Mayan monuments we find inscriptions which indicate that priestly astronomers kept a diary of celestial and mundane affairs for over 2100 years by means of their calendar and time counts. Their numerical system was based on 20's rather than 10's, and cannot be derived from any Old World method. Now the Greeks are famed for their astronomy, so we find here a means of direct comparison between their civilization and that of the Mayas. Remember that astronomical science is not really numbers but the finding of law in the course of natural events which may be expressed in numbers.

The leap year correction of Hipparchus was one-fourth of a day minus one three-hundredths of a day. The Mayas had several extremely accurate adjustments involving their 360-day numerical unit called the *tun*, the 365-day calendarical year, and the true tropical year of 365.2421996 days. First they used the approximation between 69 true years and 70 *tuns*. The error here was 1.71 days, and we find proof that this was avoided by taking 3×69 true years, minus one true year, as equal to 3×70 *tuns* minus one *tun*. In other words, they dropped a true year from one side of the equation and a numerical unit of 360 days from the other side and secured accuracy within eleven hundredths of a day for 206 years.

Much more remarkable than this was the discovery they made that in 29 of their calendar rounds of 52 years the calendar year gained a lap on the true year. That is, they found that $29 \times 52 \times 365$ days equal 1507 true years. This equation has an error of fifty-two ten-thousandths of a day against 12 for the famous Sothic cycle of the

Egyptians. The Mayan lunar tables are perpetual and therefore a true statement of natural law governing the moon.

The intellectual achievements of the Mayas are sterile to-day unless they are able to bring home to us the lesson of human capability. Appeal is made to literature as the test of social fitness. But great intellectual conceptions sometimes reside in single words, in descriptive phrases which cut to the very heart of things with a sword of light. Language is a social convention, and words are proof of an analysis of the facts of matter and emotion in which the humblest people have shown themselves efficient.

Just as the sources of revealed religion contend to-day with the records of evolution in natural history, so the sources of revealed civilization contend with the records of evolution in human society. Tezcatlipoca, Itzamna, and Viracocha in ancient America are grand and terrible gods and, taken in conjunction with Tangaroa of the Pacific isles, with Zeus of the Greeks, and Yahweh of the Jews, they illustrate how completely human beings, acting in concert, may become servants of their own ideal constructions.

But careful examination everywhere discloses that commonsense grafts the sweet fruit of ethics on the bitter stock of religion. Impersonal monotheism rose in Mexico and Peru out of beast gods, and virtue and justice were conceived as the expression of divine will. Elsewhere in ancient America religions less perfectly developed are nevertheless working towards the same end. . . .

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7. Pyramid of Cholula

[Paris, April 12, 1813. Alexandre de Humboldt, *Researches, Concerning the Institutions and Monuments of the Ancient Inhabitants of America, . . .* (1814), I, 87–103. Translated from the French by Helen Maria Williams. Published by Longman, Hurst, Rees, Orme and Brown, J. Murray and H. Colburn of London.]

The baffling mystery which Dr. Priestley declares attaches to the story of the ancient Mexicans is more pronounced in matters concerning their religious life than in any other phase of their history.[1] The ruins of the *teocallis* are found in many different parts of Mexico. The celebrated traveler and scien-

[1] *The Mexican Nation — A History*, 15.

tist Alexander von Humboldt declared that all the important peoples of that country built pyramidal edifices, or *teocallis*, as houses for their gods.[1] "These edifices," he explained, "were all of the same form, though of very different dimensions; they were pyramids, with several terraces, and the sides of which stood exactly in the direction of the meridian, and the parallel of the place. The teocalli was raised in the midst of a square and walled enclosure. . . . A great staircase led to the top of the truncated pyramid, and on the summit of the platform were one or two chapels, built like towers, which contained the colossal idols of the divinity, to whom the teocalli was dedicated. This part of the edifice must be considered as the most consecrated place; . . . It was there also, that the priests kept up the sacred fire. From the peculiar construction of the edifice . . . , the priest who offered the sacrifice was seen by the great mass of the people at the same time: the procession of the *teopixqui*, ascending or descending of the staircase of the pyramid, was beheld at a considerable distance. The inside of the edifice was the burial place of the kings and principal personages. . . ." [2] The following excerpts give a description of the famous pyramidal monument at Cholula.

The greatest, most ancient, and most celebrated of the whole of the pyramidal monuments of Anahuac is the teocalli of Cholula. It is called in the present day the Mountain made by the hand of Man (*monte hecho a manos*). At a distance it has the aspect of a natural hill covered with vegetation. . . .

A vast plain, the Puebla, is separated from the valley of Mexico by the chain of volcanic mountains, which extend from Popocatepetl towards Rio Frio, and the peak of Telapon.[3] This plain, fertile though destitute of trees, is rich in memorials interesting to Mexican history. In it flourished the capitals of the three republics of Tlascalla, Huexo-

[1] Humboldt named five of these peoples. They were the Toltecks, the Cicimecks, the Acolhuans, the Tlascaltecks, and the Aztecks. He declared that they "spoke the same language, followed the same worship, and built pyramidal edifices, which they regarded as *teocallis*, that is to say, the houses of their gods."

[2] *Researches*, . . . , I, 81–82.

[3] See my Mexican Atlas, pl. III and IX.

cingo, and Cholula, which, notwithstanding their continual dissensions, resisted with no less firmness the despotism and usurping spirit of the Azteck kings.

The small city of Cholula, which Cortez, in his Letters to Charles V, compares with the most populous cities of Spain, contains at present scarcely sixteen thousand inhabitants. The pyramid is to the east of the city, on the road which leads from Cholula to Puebla. It is well preserved on the western side, which is that represented in the engraving. The plain of Cholula presents that aspect of barrenness, which is peculiar to plains elevated two thousand two hundred metres above the level of the ocean. A few plants of the agave and dracæna rise on the foreground, and at a distance the summit of the volcano of Orizaba is beheld covered with snow; a colossal mountain, five thousand two hundred and ninety-five metres of absolute height, and of which I have published a sketch in my Mexican Atlas, plate 17.

The teocalli of Cholula has four stories, all of equal height. It appears to have been constructed exactly in the direction of the four cardinal points; but as the edges of the stories are not very distinct, it is difficult to ascertain their primitive direction. This pyramidical monument has a broader basis than that of any other edifice of the same kind in the old continent. I measured it carefully, and ascertained, that its perpendicular height is only fifty metres, but that each side of its basis is four hundred and thirty-nine metres in length. Torquemada computes its height at seventy-seven metres; Betancourt, at sixty-five; and Clavigero, at sixty-one. Bernal Diaz del Castillo, a common soldier in the army of Cortez, amused himself by counting the steps of the staircases, which led to the platform of the teocallis: he found one hundred and fourteen in the great temple of Tenochtitlan, one hundred and seventeen in that of Tezcuco, and one hundred and twenty in that of Cholula. The basis of the pyramid of Cholula is twice as broad as that of Cheops; but its height is very little more than that of the pyramid of Mycerinus. On comparing the dimensions of the house of the Sun, at Teotihuacan, with those of the pyramid of Cholula, we see, that the people, who constructed these remarkable monuments, intended to give them the same height, but with bases, the length of which should be in the proportion of one to two. We find also a considerable difference in the proportions between the base and the height in these various monuments. . . .

The great teocalli of Cholula, called also the *Mountain of unbaked bricks* (tlalchihualtepec), had an altar on its top, dedicated to Quetzalcoatl, the god of the air. This Quetzalcoatl, whose name signifies serpent cloathed with green feathers, from *coatl*, serpent, and *quetzalli*, green feathers, is the most mysterious being of the whole Mexican mythology. He was a white and bearded man, like the Bochica of the Muyscas. . . . He was high priest of Tola (Tollan), legislator, chief of a religious sect, which, like the Sinyasis and the Bouddhists of Indostan, inflicted on thousands the most cruel penances. He introduced the custom of piercing the lips and the ears, and lacerating the rest of the body with prickles of the agave leaves, or the thorns of the cactus; and of putting reeds into wounds, in order that the blood might be seen to trickle more copiously.

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The reign of Quetzalcoatl was the golden age of the people of Anahuac. At that period, all animals and even men, lived in peace; the earth brought forth, without culture, the most fruitful harvests; and the air was filled with a multitude of birds, which were admired for their song, and the beauty of their plumage. But this reign, like that of Saturn, and the happiness of the world, were not of long duration; the great spirit of Tezcatlipoca, the Brahma of the nations of Anahuac, offered Quetzalcoatl a beverage, which, in rendering him immortal, inspired him with a taste for travelling; and particularly with an irresistible desire of visiting a distant country, called by tradition Tlapallan. The resemblance of this name to that of Huehuetlapallan, the country of the Toltecks, appears not to be accidental. But how can we conceive, that this white man, priest of Tula, should have taken his direction, as we shall presently find, to the south-east, towards the plains of Cholula, and thence to the eastern coasts of Mexico, in order to visit this northern country, whence his ancestors had issued in the five hundred and ninety-sixth year of our era?

Quetzalcoatl, in crossing the territory of Cholula, yielded to the intreaties of the inhabitants, who offered him the reins of government. He dwelt twenty years among them, taught them to cast metals, ordered fasts of eight days, and regulated the intercalations of the Tolteck year. He preached peace to men, and would permit no other offerings to the Divinity, than the first fruits of the harvest. From Cholula Quetzalcoatl passed on to the mouth of the river Goasacoalco, where he disappeared,

after having declared to the Cholulans (Chololtecatles), that he would return in a short time to govern them again, and renew their happiness.

It was the posterity of this saint, whom the unhappy Montezuma thought he recognized in the soldiers of Cortez. "We know by our books," said he, in his first interview with the Spanish General, "that myself, and those who inhabit this country, are not natives, but strangers, who came from a great distance. We know also, that the chief, who led our ancestors hither, returned for a certain time to his primitive country, and thence came back to seek those, who were here established. He found them married to the women of this land, having a numerous posterity, and living in cities, which they had built. Our ancestors hearkened not to their ancient master, and he returned alone. We have always believed, that his descendants would one day come to take possession of this country. Since you arrive from that region, where the Sun rises, and, as you assure me, you have long known us, I cannot doubt, but that the king, who sends you, is our natural master."

Another very remarkable tradition still exists among the Indians of Cholula, according to which the great pyramid was not originally destined to serve for the worship of Quetzalcoatl. After my return to Europe, on examining at Rome the Mexican manuscript in the Vatican library, I found, that this same tradition was already recorded in a manuscript of Pedro de Los Rios, a Dominican monk, who, in 1566, copied on the very spot all the hieroglyphical paintings he could procure. "Before the great inundation, which took place four thousand eight hundred years after the creation of the World, the country of Anahuac was inhabited by giants (tzocuillixeque). All those who did not perish were transformed into fishes, save seven, who fled into caverns. When the waters subsided, one of these giants, Xelhua, surnamed the architect, went to Cholollan; where, as a memorial to the mountain Tlaloc, which had served for an asylum to himself and his six brethren, he built an artificial hill in form of a pyramid. He ordered bricks to be made in the province of Tlamanalco, at the foot of the Sierra of Cocotl, and to convey them to Cholula he placed a file of men, who passed them from hand to hand. The gods beheld with wrath this edifice, the top of which was to reach the clouds. Irritated at the daring attempt of Xelhua, they hurled fire on the pyramid. Numbers of the workmen perished; the work was discontinued, and the monument was afterwards dedicated to Quetzalcoatl, the god of the air."

The size of the platform of the pyramid of Cholula, on which I made a great number of astronomical observations, is four thousand two hundred square metres. From it the eye ranges over a magnificent prospect; Popocatepetl, Iztaccihuatl, the peak of Orizaba, and of the Sierra de Tlascalla, famous for the tempests which gather around its summit. We view at the same time three mountains higher than Mount Blanc, two of which are still burning volcanoes. A small chapel, surrounded with cypress, and dedicated to the Virgin de los Remedios, has succeeded to the temple of the god of the air, or the Mexican Indra. An ecclesiastic of the Indian race celebrates mass every day on the top of this antique monument.

In the time of Cortez, Cholula was considered a holy city. No where existed a greater number of teocallis, of priests, and religious orders (*tlamacazque*); no spot displayed greater magnificence in the celebration of public worship, or more austerity in its penances and fasts. Since the introduction of Christianity among the Indians, the symbols of a new worship have not entirely effaced the remembrance of the old. The people assemble in crowds from distant quarters at the summit of the pyramid, to celebrate the festival of the Virgin. A mysterious dread, a religious awe, fills the soul of the Indian at the sight of this immense pile of bricks, covered with shrubs and perpetual verdure.

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The teocallis, or Mexican pyramids, were at once temples and tombs. We have already observed that the plain, on which were built the houses of the Sun and of the Moon at Teotihuaca, is called the *Path of the Dead*; but the essential and principal part of a teocalli was the chapel, the *naos*, at the top of the edifice. In the infancy of civilization, high places were chosen by the people to offer sacrifices to the gods. The first altars, the first temples, were erected on mountains; and when these mountains were isolated, the worshippers delighted in the toil of shaping them into regular forms, cutting them by stories, and making stairs to reach the summit more easily. Both continents afford numerous examples of these hills divided into terraces, and supported by walls of brick and stone. The teocallis appear to me to be merely artificial hills, raised in the midst of a plain, and intended to serve as a basis to the altars. What more sublime and awful than a sacrifice, that is offered in the sight of an assembled nation! . . .

8. The Exhortations of a Mexican to his Son

[1750? Abbé D. Francisco Saverio Clavigero, *The History of Mexico* . . . (1787), I, 331–334. Translated by Charles Cullen and published by G. G. J. and J. Robinson, London.]

Francisco Javier Clavijero (1721–1787) was a Mexican Jesuit priest and historian. He spent thirty-six years traveling in the viceroyalty of New Spain. He wrote *The Ancient History of Mexico* (*Historia antigua de Méjico*), containing much curious information about the ancient peoples of Anahuac. He drew very freely on the works of several writers, more especially on those of Olmos[1] and Sahagún.[2] The Mexican pictures of the Mendoza collection were also used. There were seven of these, the pictures between the numbers 49 and 57, from which he drew conclusions concerning the education of the children and the youths of these peoples. The following document was selected by him from among those purporting to come from ancient Mexican sources.

My son, who art come into the light from the womb of thy mother like the chicken from the egg, and like it art preparing to fly through the world, we know not how long heaven will grant to us the enjoyment of that precious gem which we possess in thee; but, however short the period, endeavour to live exactly, praying God continually to assist thee. He created thee, thou art his property. He is thy Father, and loves thee still more than I do; repose in him thy thoughts, and day and night direct thy sighs to him. Reverence and salute thy elders, and hold no one in contempt. To the poor and the distressed be not dumb, but rather use words of comfort. Honour all persons, particularly thy parents, to whom thou owest obedience, respect, and service. Guard against imitating the example of those wicked sons,

[1] Andrea de Olmos was a Franciscan Spaniard who wrote a treatise on Mexican antiquities.

[2] Bernardino de Sahagún was a Franciscan Spanish priest and historian He wrote *The History of Mexico before the Conquest* (*Historia de Méjico antes de la conquista*), which was rated very high at the time. The manuscript of this work lay overlooked in the National Library at Madrid for two centuries. It was finally published by Lord Kingsborough in the fourth volume of his *Antiquities of Mexico*. Sahagún died in Mexico in 1590.

who, like brutes that are deprived of reason, neither reverence their parents, listen to their instruction, nor submit to their correction; because, whoever follows their steps will have an unhappy end, will die in a desperate or sudden manner, or will be killed and devoured by wild beasts.

Mock not, my son, the aged or the imperfect. Scorn not him whom you see fall into some folly or transgression, nor make him reproaches; but restrain thyself, and beware lest thou fall into the same error which offends thee in another. Go not where thou art not called, nor interfere in that which does not concern thee. Endeavour to manifest thy good breeding in all thy words and actions. In conversation do not lay thy hands upon another, nor speak too much, nor interrupt or disturb another's discourse. If thou hearest any one talking foolishly, and it is not thy business to correct him, keep silence; but if it does concern thee, consider first what thou art to say, and do not speak arrogantly, that thy correction may be well received.

When any one discourses with thee, hear him attentively, and hold thyself in an easy attitude; neither playing with thy feet, nor putting thy mantle to thy mouth, nor spitting too often, nor looking about you here and there, nor rising up frequently if thou art sitting; for such actions are indications of levity and low-breeding.

When thou art at table do not eat voraciously, nor shew thy displeasure if any thing displeases thee. If any one comes unexpectedly to dinner with thee, share with him what thou hast; and when any person is entertained by thee, do not fix thy looks upon him.

In walking, look where thou goest, that thou mayst not push against any one. If thou seest another coming thy way, go a little aside to give him room to pass. Never step before thy elders, unless it be necessary, or that they order thee to do so. When thou sittest at table with them, do not eat or drink before them, but attend to them in a becoming manner, that thou mayst merit their favour.

When they give thee any thing, accept it with tokens of gratitude: if the present is great, do not become vain or fond of it. If the gift is small do not despise it, nor be provoked, nor occasion displeasure to them who favour thee. If thou becomest rich, do not grow insolent, nor scorn the poor; for those very gods who deny riches to others in order to give them to thee, offended by thy pride, will take them from thee again to give to others. Support thyself by thy own labours; for

then thy food will be sweeter. I, my son, have supported thee hitherto with my sweat, and have omitted no duty of a father; I have provided thee with every thing necessary, without taking it from others. Do thou so likewise.

Never tell a falsehood; because a lie is a heinous sin. When it is necessary to communicate to another what has been imparted to thee, tell the simple truth without any addition. Speak ill of nobody. Do not take notice of the failings which thou observest in others, if thou art not called upon to correct them. Be not a newscarrier, nor a sower of discord. When thou bearest any embassy, and he to whom it is borne is enraged, and speaks contemptuously of those who sent thee, do not report such an answer, but endeavour to soften him, and dissemble as much as possible that which thou heardst, that thou mayest not raise discord and spread calumny of which thou mayest afterwards repent.

Stay no longer than is necessary in the market-place; for in such places there is the greatest danger of contracting vices.

When thou art offered an employment, imagine that the proposal is made to try thee; then accept it not hastily, although thou knowest thyself more fit than others to exercise it; but excuse thyself until thou art obliged to accept it; thus thou wilt be more esteemed.

Be not dissolute; because thou wilt thereby incense the gods, and they will cover thee with infamy. Restrain thyself, my son, as thou art yet young, and wait until the girl, whom the gods destine for thy wife, arrive at a suitable age: leave that to their care, as they know how to order every thing properly. When the time for thy marriage is come, dare not to make it without the consent of thy parents, otherwise it will have an unhappy issue.

Steal not, nor give thyself up to gaming; otherwise thou wilt be a disgrace to thy parents, whom thou ought rather to honour for the education they have given thee. If thou wilt be virtuous, thy example will put the wicked to shame. No more, my son; enough has been said in discharge of the duties of a father. With these counsels I wish to fortify thy mind. Refuse them not, nor act in contradiction to them; for on them thy life, and all thy happiness, depend.

9. Exhortation of a Mexican Mother to her Daughter

[1750? Abbé D. Francisco Saverio Clavigero, *The History of Mexico* . . . (1787), I, 334–336. Translated by Charles Cullen and published by G. G. J. and J. Robinson, London.]

"Their children [those of the Mexicans]," declared Clavijero, "were bred to stand so much in awe of their parents that even when grown up and married, they hardly durst speak before them. In short, the instructions and advice which they received were of such a nature, that I cannot dispense with transcribing some of the exhortations employed by them, the knowledge of which was obtained from the Mexicans themselves by the first religious missionaries who were employed in their conversion, particularly, Olmos, and Sahagun, who acquired a perfect knowledge of the Mexican language, and made the most diligent inquiry into their manners and customs." [1] The following document contains the instructions and advice supposed to have been addressed by a Mexican mother to her daughter.

My daughter, born of my substance, brought forth with my pains, and nourished with my milk, I have endeavoured to bring thee up with the greatest possible care, and thy father has wrought and polished thee like an emerald, that thou mayest appear in the eyes of men a jewel of virtue. Strive always to be good; for otherwise who will have thee for a wife? thou wilt be rejected by every one. Life is a thorny laborious path, and it is necessary to exert all our powers to obtain the goods which the gods are willing to yield to us; we must not therefore be lazy or negligent, but diligent in every thing. Be orderly and take pains to manage the economy of thy house. Give water to thy husband for his hands, and make bread for thy family. Wherever thou goest, go with modesty and composure, without hurrying thy steps, or laughing with those whom thou meetest, neither fixing thy looks upon them, nor casting thy eyes thoughtlessly, first to one side, and then to another, that thy reputation may not be sullied; but give a courteous answer to those who salute and put any question to thee.

[1] *The History of Mexico*, I, 331.

Employ thyself diligently in spinning and weaving, in sewing and embroidering; for by these arts thou wilt gain esteem, and all the necessaries of food and clothing. Do not give thyself too much to sleep, nor seek the shade, but go in the open air and there repose thyself; for effeminacy brings along with it idleness and other vices.

In whatever thou doest, encourage not evil thoughts; but attend solely to the service of the gods; and the giving comfort to thy parents. If thy father or thy mother calls thee, do not stay to be called twice; but go instantly to know their pleasure, that thou mayst not disoblige them by slowness. Return no insolent answers, nor shew any want of compliance; but if thou canst not do what they command, make a modest excuse. If another is called and does not come quickly; come thou, hear what is ordered, and do it well. Never offer thyself to do that which thou canst not do. Deceive no person, for the gods see all thy actions. Live in peace with every body, and love every one sincerely and honestly, that thou mayest be beloved by them in return.

Be not greedy of the goods which thou hast. If thou seest any thing presented to another, give way to no mean suspicions; for the gods, to whom every good belongs, distribute every thing as they please. If thou wouldst avoid the displeasure of others, let none meet with it from thee.

Guard against improper familiarities with men; nor yield to the guilty wishes of thy heart; or thou wilt be the reproach of thy family, and will pollute thy mind as mud does water. Keep not company with dissolute, lying, or idle women; otherwise they will infallibly infect thee by their example. Attend upon thy family, and do not go on slight occasions out of thy house, nor be seen wandering through the streets, or in the market-place; for in such places thou wilt meet thy ruin. Remember that vice, like a poisonous herb, brings death to those who taste it; and when it once harbours in the mind it is difficult to expel it. If in passing through the streets thou meetest with a forward youth who appears agreeable to thee, give him no correspondence, but dissemble and pass on. If he says any thing to thee, take no heed of him nor his words; and if he follows thee, turn not your face about to look at him, lest that might inflame his passion more. If thou behavest so, he will soon turn and let thee proceed in peace.

Enter not, without some urgent motive, into another's house, that nothing may be either said or thought injurious to thy honour; but

if thou enterest into the house of thy relations, salute them with respect and do not remain idle, but immediately take up a spindle to spin, or do any other thing that occurs.

When thou art married, respect thy husband and obey him; and diligently do what he commands thee. Avoid incurring his displeasure, nor shew thyself passionate or ill-natured; but receive him fondly to thy arms, even if he is poor and lives at thy expense. If thy husband occasions thee any disgust, let him not know thy displeasure when he commands thee to do anything; but dissemble it at the time, and afterwards tell him with gentleness what vexed thee, that he may be won by thy mildness and offend thee no farther. Dishonour him not before others, for thou also wouldst be dishonoured. If any one comes to visit thy husband, accept the visit kindly, and shew all the civility thou canst. If thy husband is foolish, be thou discreet. If he fails in the management of wealth, admonish him of his failings; but if he is totally incapable of taking care of his estate, take that charge upon thyself, attend carefully to his possessions, and never omit to pay the workmen punctually. Take care not to lose any thing through negligence.

Embrace, my daughter, the counsel which I give thee; I am already advanced in life, and have had sufficient dealings with the world. I am thy mother, I wish that thou mayest live well. Fix my precepts in thy heart and *bowels*, for then thou wilt live happy. If, by not listening to me, or by neglecting my instructions, any misfortunes befall thee, the fault will be thine, and the evil also. Enough, my child. May the gods prosper thee.

DISCOVERY, EXPLORATION, AND COLONIZATION, 1492–1810

10. The Capitulations of Columbus with the Catholic Monarchs

[1902. John Boyd Thacher, *Christopher Columbus, His Life, His Work, His Remains* (1903), I, 442–443; 447–451. Reprinted by permission of the publishers, G. P. Putnam's Sons, New York and London.]

"The written agreement between Columbus and the Sovereigns," declared Thacher, "the two documents known as constituting the Capitulation, are *first* that executed on April 17, 1492, containing the five famous articles or items of concessions, and *second*, that executed April 30, 1492, containing a dissertation on the Divine Right of Kings, followed by an elaborate definition of the powers and prerogatives appertaining to the offices of Admiral, Viceroy, and Governor. The first document was the vital instrument. . . ."[1]

The Capitulation said nothing about "India or a voyage to the Eastern countries by way of the Western ocean. . . ." Nor was Columbus "instructed or empowered to capture ships upon the high seas." Yet the Capitulation made this "Genoese sailor a High Admiral of Spain" and admitted "him to partnership with the Crown of Proud Castile."[2]

A. THE AGREEMENT OF APRIL 17, 1492

The things supplicated and which your Highnesses give and declare to Christopher Columbus in some satisfaction for what he has discovered in the oceans, and for the voyage which now, with the

[1] *Christopher Columbus*, I, 437–438. [2] *Ibid.*, I, 438.

aid of God, he is about to make therein, in the service of your Highnesses, are as follows:

Firstly, that your Highnesses as Lords that are of the said oceans, make from this time the said Don Christopher Columbus your Admiral in all those islands and mainlands which by his hand and industry shall be discovered or acquired in the said oceans, during his life, and after his death, his heirs and successors, from one to another perpetually, with all the pre-eminences and prerogatives belonging to the said office and according as Don Alonso Enriques, your High Admiral of Castile, and the other predecessors in the said office held it in their districts. It so pleases your Highnesses. John de Coloma.

Likewise, that your Highnesses make the said Don Christopher your Viceroy and Governor General in all the said islands and mainlands and islands which as has been said, he may discover or acquire in the said seas; and that for the government of each one and of any one of them, he may make selection of three persons for each office, and that your Highnesses may choose and select the one who shall be most serviceable to you, and thus the lands which our Lord shall permit him to discover and acquire will be better governed, in the service of your Highnesses. It so pleases their Highnesses. John de Coloma.

Item, that all and whatever merchandise, whether it be pearls, precious stones, gold, silver, spices, and other things whatsoever, and merchandise of whatever kind, name, and manner it may be, which may be bought, bartered, discovered, acquired, or obtained within the limits of the said Admiralty, your Highnesses grant henceforth to the said Don Christopher, and will that he may have and take for himself, the tenth part of all of them, deducting all the expenses which may be incurred therein; so that of what shall remain free and clear, he may have and take the tenth part for himself, and do with it as he wills, the other nine parts remaining for your Highnesses. It so pleases their Highnesses. John de Coloma.

Likewise, that if on account of the merchandise that he might bring from the said islands and land, which as aforesaid he shall acquire and discover, or of that which may be taken in exchange for the same from other merchants here, any suit should arise in the place where the said trade and traffic shall be held and conducted; and if by the pre-eminence of his office of Admiral it may belong to him to know of such suit, it may please your Highnesses that he or his deputy and no other judge, may take cognisance of the said suit, and thus it is decreed henceforth. It so pleases their Highnesses if it belongs to the said office of Admiral, as the said Admiral Don Alonso Enriques held it and the others, his predecessors in their districts, and if it be just. John de Coloma.

Item, that in all the vessels which may be equipped for the said traffic and negotiation each time and whenever and as often as they may be equipped, the said Admiral Don Christopher Columbus may, if he wishes, contribute and pay the eighth part of all that may be expended in the equipment. And also that he may have and take of the profit, the eighth part of all which may result from such equipment. It so pleases their Highnesses. John de Coloma.

These are executed and despatched with the responses of your Highnesses at the end of each article in the town of Santa Fe de la Vega de Granada, on the seventeenth day of April in the year of the nativity of our Saviour Jesus Christ one thousand four hundred and ninety-two. I, the King. I, the Queen. By order of the King and of the Queen. John de Coloma. Registered Calçena.

B. THE AGREEMENT OF APRIL 30, 1492

In the name of the Holy Trinity and Eternal Unity, Father, Son, and Holy Ghost, three persons really distinct and one divine essence which lives and reigns forever without end, and of the blessed and glorious Virgin, Saint Mary, Our Lady, His mother, whom we regard as our sovereign and advocate in all our actions, and to her honour and worship, and of the blessed Apostle Saint James, light and warrior of the Spains, patron and guide of the Kings of Castile and Leon, and likewise to the honour and worship of all the other saints of the celestial court. Now though according to nature man cannot know perfectly what God is, however great his knowledge of the world may be, yet he can know Him by seeing and contemplating His wonders and the works and acts which He has done and does every day, since all works are done by His power, governed by His wisdom and maintained by His goodness; and thus man can understand that God is the beginning, middle, and end of all things, and that in Him they are comprehended and He maintains each one in that state which He has ordained for them, and all have need of Him and He has no need of them, and He is able to change them whenever He may choose, according to His will; and it is not in His nature to change or alter in any manner; and He is called King over all Kings, because from Him they derive their name and by Him they reign, and He governs and maintains them, and they are His viceregents, each one in His kingdom, placed by Him over the nations to maintain them in justice and in truth, temporally; which is shown completely in two ways, one being spiritual, as the prophets and saints have shown, to whom our Lord gave grace to have accurate knowledge of things and to cause them to be understood; the other is according to nature, as philosophers have shown, who were discerners of things naturally. For the Saints said that the King is set upon earth in the place of God to fulfil justice and to give to each one his due, and therefore they called him the heart and soul of the people; and just as the soul is in the heart

of man, and by it the body lives and is maintained, so in the King resides justice, which is the life and support of the people of his dominions; and just as there is but one heart and by it all the members are united to form one body, even so all the members of the kingdom, however many they may be, are one, because the King must be, and is, one, and therefore they must all be one with him to follow him and to help in the things which he has to do; and according to nature the philosophers said that kings are the head of the kingdom, for as from the head proceed the perceptions by which all the members of the body are directed, even so by the mandate which proceeds from the King, who is Lord and head of all the members of the kingdom, they must be governed and directed and must pay obedience thereto; and so great is the authority of the power of kings, that all laws and rights are subject to their power, for they do not derive it from men, but from God, whose place they occupy in matters temporal; to whom among other things it chiefly appertains to love, honour, and protect his people, and among others he must especially select and honour those who deserve it on account of the services they have rendered to him; and therefore, the king or prince, among his other powers, not only can but ought to bestow favours upon those who are deserving thereof for the services they have rendered to him and for the goodness he may find in them. And because among the other virtues appertaining to kings, according to the saying of the philosophers, justice is one, and is the virtue and truth of things, and by it the world is best and most righteously maintained, and it is, as it were, a fountain from which all rights flow, and it always exists in the dispositions of just men, never failing, and giving and distributing to each his due; and it comprehends in itself all the principal virtues, and very great utility arises therefrom, for it causes every one to live prudently and peaceably according to his condition, without fault and without error; and thereby the good become better, receiving rewards for the good deeds they have done, and the others are reformed and amended. And this justice consists of two principal parts, the one commutative, which is between one man and another, the other distributive, in which are obtained the rewards and remunerations of the good and virtuous labours and services which good men do for kings and princes and for the public welfare of their kingdoms. And since, as the laws declare, to give rewards to those who serve well and faithfully is a thing which is very

becoming to all men, but especially to kings, princes, and great lords, who have the power to do it, and it is their peculiar privilege to honour and exalt those who serve them well and faithfully, and whose virtues and services deserve it; and in rewarding good deeds the kings who do so show that they are discerners of virtue and likewise administrators of justice, for justice does not consist only in the exemplary punishment of evil-doers, but also in rewarding the good. And moreover another great utility arises therefrom, for it incites the good to become more virtuous and the wicked to amend themselves, and when this course is not pursued the contrary might happen. And since among the other rewards and remunerations which kings can bestow upon those who serve them well and faithfully they can honour and elevate them among the others of their family, and ennoble, decorate, and honour them, and confer many other benefits, graces, and favours upon them: Therefore, considering and taking into account all that is aforesaid, we desire that by this our patent of privilege, or by the transcript thereof signed by a public scrivener, all who now are and shall be from henceforth may know that we Don Ferdinand and Donna Isabella, by the grace of God King and Queen of Castile, Leon, Aragon, Sicily, Granada, Toledo, Valencia, Galicia, Majorca, Seville, Sardinia, Corsica, Murcia, Jaen, Algarbe, Algeciras, Gibraltar, and the Canary Islands; Count and Countess of Barcelona; Lords of Biscay and Molina, Dukes of Athens and Neopatria; Counts of Roussillon and Cerdagne, Marquises of Oristano and Goziano, have seen a patent of grace, signed with our names and sealed with our seal, made in this manner: *Don* Ferdinand and Donna Isabella, by the grace of God King and Queen of Castile, Leon, Aragon, Sicily, Granada, Toledo, Valencia, Galicia, Majorca, Seville, Sardinia, Cordova, Corsica, Murcia, Jaen, Algarbe, Algeciras, Gibraltar, and the Canary Islands; Count and Countess of Barcelona; Lords of Biscay and Molina; Dukes of Athens and Neopatria, Counts of Roussillon and Cerdagne, Marquises of Oristano and Goziano; Forasmuch as you, Christopher Columbus, are going by our command, with some of our ships and with our subjects, to discover and acquire certain islands and mainland in the ocean, and it is hoped that, by the help of God, some of the said islands and mainland in the said ocean will be discovered and acquired by your pains and industry; and therefore it is a just and reasonable thing that since you incur the said danger for our service you should be rewarded for it, and as we

desire to honour and favour you on account of what is aforesaid, it is our will and pleasure that you, the said Christopher Columbus, after you have discovered and acquired the said islands and mainland in the said ocean, or any of them whatsoever, shall be our Admiral of the said islands and mainland which you may thus discover and acquire, and shall be our Admiral and Viceroy and Governor therein, and shall be empowered from that time forward to call and entitle yourself Don Christopher Columbus, and that your sons and successors in the said office and charge may likewise entitle and call themselves Don, and Admiral and Viceroy and Governor thereof; and that you may have power to use and exercise the said office of Admiral, together with the said office of Viceroy and Governor of the said islands and mainland which you may thus discover and acquire, by yourself or by your lieutenants, and to hear and determine all the suits and causes civil and criminal appertaining to the said office of Admiralty, Viceroy, and Governor according as you shall find by law, and as the Admirals of our kingdoms are accustomed to use and exercise it; and may have power to punish and chastise delinquents, and exercise the said offices of Admiralty, Viceroy, and Governor, you and your said lieutenants, in all that concerns and appertains to the said offices and to each of them; and that you shall have and levy the fees and salaries annexed, belonging and appertaining to the said offices and to each of them, according as our High Admiral in the Admiralty of our kingdoms levies and is accustomed to levy them. And by this our patent, or by the transcript thereof signed by a public scrivener, we command Prince Don Juan, our very dear and well beloved son, and the Infantes, dukes, prelates, marquises, counts, masters of orders, priors, commanders, and members of our Council, and auditors of our chamber, alcaldes, and other justices whomsoever of our household, court, and chancery, and sub-commanders, governors of castles and fortified and unfortified houses, and all councillors, assistants, governors, alcaldes, bailiffs, judges, veinticuatros, jurats, knights, esquires, officers, and liege men of all the cities, towns, and places of our kingdoms and dominions, and of those which you may conquer and acquire, and the captains, masters, mates, officers, mariners, and seamen, our natural subjects who now are or hereafter shall be, and each and any of them, that upon the said islands and mainland in the said ocean being discovered and acquired by you, and the oath and formality requisite in such case having been

made and done by you or by him who may have your procuration, they shall have and hold you from thenceforth for the whole of your life, and your son and successor after you, and successor after successor for ever and ever, as our Admiral of the said ocean, and as Viceroy and Governor of the said islands and mainland, which you, the said Don Christopher Columbus, may discover and acquire; and they shall treat with you, and with your said lieutenants whom you may place in the said offices of Admiral, Viceroy, and Governor, about everything appertaining thereto, and shall pay and cause to be paid to you the salary, dues and other things annexed and appertaining to the said offices, and shall observe and cause to be observed towards you all the honours, graces, favours, liberties, pre-eminences, prerogatives, exemptions, immunities, and all other things, and each of them, which in virtue of the said offices of Admiral, Viceroy, and Governor you shall be entitled to have and enjoy, and which ought to be observed towards you in every respect fully and completely so that nothing may be diminished therefrom; and that neither therein nor in any part thereof shall they place or consent to place hindrance or obstacle against you; for we by this our patent from now henceforth grant to you the said offices of Admiralty, Viceroy, and Governor by right of inheritance for ever and ever, and we give you actual and prospective possession thereof, and of each of them, and power and authority to use and exercise it, and to collect the dues and salaries annexed and appertaining to them and to each of them, according to what is aforesaid. Concerning all that is aforesaid, if it should be necessary and you should require it of them, we command our chancellor and notaries and the other officers who are at the board of our seals to give, deliver, pass, and seal for you our patent of privileges with the circle of signatures, in the strongest, firmest, and most sufficient manner that you may request and may find needful, and neither one nor the other of you or them shall do contrary hereto in any manner, under penalty of our displeasure and of ten thousand maravedis to our chamber, upon every one who shall do to the contrary. And further we command the man who shall show them this our patent, to cite them to appear before us in our court, wheresoever we may be, within fifteen days from the day of citation, under the said penalty, under which we command every public scrivener who may be summoned for this purpose, to give to the person who shall show it to him a certificate thereof signed with his signature, whereby

we may know in what manner our command is executed. Given in our city of Granada, on the thirtieth day of the month of April, in the year of the nativity of our Lord Jesus Christ one thousand four hundred and ninety-two. I the King. I the Queen. I, John de Coloma, Secretary of the King and of the Queen, our Lords, caused this to be written by their command. Granted in form, Roderick, Doctor. Registered, Sebastian Dolano. Francis de Madrid, Chancellor.

11. The Port of Palos ordered to supply Columbus with Certain Ships

[Granada, April 30, 1492. John Boyd Thacher, *Christopher Columbus* . . . (1903), I, 466–467. Reprinted by permission of the publishers, G. P. Putnam's Sons, New York and London.]

"The little port of Palos," explained Thacher, "had rendered itself liable to punishment for some disobedience or failure to comply with the will of the Government, and the sentence of keeping two vessels in readiness to serve the Sovereigns for twelve months at the expense of the town had been passed by the Royal Council. The ships were to be provided at the expense of the town, but the cost and maintenance of those who went in them were chargeable to the Crown. . . ."[1] These two vessels were to be turned over to Columbus for use on his voyage, as will be revealed in the following royal order:

Don Ferdinand and Dona Isabella, by the grace of God, King and Queen of Castile, of Leon, of Aragon, of Sicily, of Granada, of Toledo, of Valencia, of Galicia, of the Mallorcas, of Seville, of Cerdeña, of Cordova, of Corcega, of Murcia, of Jaen, of Algarbia, of Algecira, of Gibraltar, of the Canary Islands: Counts of Barcelona; Lords of Vizcaya and of Molina; Dukes of Athens and of Neopatria; Counts of Rosellon and of Cerdania; Marquises of Oristan and of Gociano.

To you Diego Rodriguez Prieto [Alcalde], and to all the other persons, your companions and the other residents of the town of Palos, salutation and grace. You well know how on account of some things done and committed by you in default of our service, you were condemned by the members of our Council, that you should be obliged to serve us for twelve months with two caravels,

[1] *Christopher Columbus*, I, 464.

equipped at your own cost and expense, whenever and wherever it should be commanded by us, under certain penalties, which is all contained more at length in the said sentence which was pronounced against you: And now, inasmuch as we have ordered Christopher Columbus to go with a fleet of three caravels, as our Captain of the said three caravels, through certain parts of the Ocean-sea, upon some matters which are in fulfilment of our service: and we wish to have him take with him the said two caravels, with which you are to serve us in this manner: Therefore we command you that within the first ten days following the date of this our letter, by which you are notified, without further asking us or consulting us or awaiting us or receiving another letter from us in regard to the matter, that you shall have the said two caravels prepared and placed in readiness, equipped, as you are under obligation to do in virtue of the said sentence, to go with the said Christopher Columbus wherever we order him to go, and you shall go with him from the said length of time henceforward, whenever and wherever you shall be told and commanded by him in our behalf, because we command him to then pay you wages for four months for the people who shall go with the said caravels, at the prices which shall be paid to the other people who shall go in the said three caravels, and in the other caravel which we command him to take, *which is what is commonly paid on this coast to people who go upon the sea* with fleets of vessels. And having thus departed, that you follow the way which he shall command you to take, in our behalf, and fulfil his commands, and go under his command and government, providing that neither you, nor the said Christopher Columbus, nor any others of the persons who shall go on the said caravels, shall go to the Mine nor interfere with the traffic of the Mine which is carried on by the Most Serene King of Portugal our Brother, because it is our will to observe and to have observed what we have agreed and capitulated with the said King of Portugal in regard to this matter: and upon being shown a signed declaration from the said Captain that he is satisfied with your service with the said two equipped caravels, we shall consider you as relieved from the said penalty which was imposed upon you by the members of our Council: and from the present for that time, and from that time for the present time, we consider and hold that we are well served by you with the said caravels, for the time and according to and in the manner which was commanded you by the members of our Council, with the warning which we give you, that if you do not do as we have commanded you or make any delay or excuse in the matter, that we shall order executed upon you and upon each one of you, and upon your property, the penalties contained in the said sentence which was pronounced against you. And none of you shall disobey it in any manner, under pain of our displeasure and a fine of 10,000 maravedis for each one of our Treasury, under which said penalty we command the Notary Public who is called in this matter, that in another manner which he shall show you, you shall give a signed deposition. Given in our city of Granada April 30, in the year of the birth of our Lord Jesus Christ 1492. *I the King. I the Queen.* (Signed.) I Joan de Coloma, Secretary of the King and of the Queen, our Lords, caused

it to be written by their command. (Signed.) [On the back it is sealed with red wax on paper, and has the following notes: Agreed. Rodericus Doctor. (Signed.) Registered. Sebastian de Olano. (Signed.) Francisco de Madrid, Chancellor. (Signed.) Fees Nihil. (Signed.)]

12. The Treaty of Tordesillas

[June 7, 1494. Frances Gardiner Davenport, *European Treaties bearing on the History of the United States and its Dependencies to 1648* (1917), 93–100. The Carnegie Institution, Washington.]

The bull *Inter caetera*, issued by Alexander VI on May 3, 1493, was not satisfactory to Portugal. She made several attempts to bring about a more equitable settlement of the differences between her and Spain over the demarcation line established by that document. Spain, willing to adjust the differences amicably, sent a mission, composed of Garcia de Carvajal and Pedro de Ayala, to Lisbon in November, 1493, to negotiate with the Portuguese king. The mission failed. In March, 1494, King John II sent three commissioners, named in the following treaty, to negotiate with the Catholic sovereigns at Medina del Campo, Spain. The Spanish commissioners, also named in the document, were then able to negotiate the treaty of June 7, 1494, signed at Tordesillas, near Valladolid. The Treaty of Tordesillas was, however, merely a temporary settlement. The lack of definite information and the large interests of the two nations in the New World made disagreements over the interpretation of certain provisions inevitable. Such differences have continued, according to Davenport, down to the present day.

Don Ferdinand and Doña Isabella, by the grace of God, king and queen of Castille, Leon, Aragon, Sicily, Granada, Toledo, Valencia, Galicia, Majorca, Seville, Sardinia, Cordova, Corsica, Jaen, Algarve, Algeçira, Gibraltar, and the Canary Islands, count and countess of Barcelona, lord and lady of Biscay and Molina, duke and duchess of Athens and Neopatras, count and countess of Roussillon and Cerdagne, marquis and marchioness of Oristano and Gociano, together with the Prince Don John, our very dear and very beloved first-born son, heir

of our aforesaid kingdoms and lordships. Whereas by Don Enrique Enriques, our chief steward, Don Gutierre de Cardenas, chief commissary of Leon, our chief auditor, and Doctor Rodrigo Maldonado, all members of our council, it was treated, adjusted, and agreed for us and in our name and by virtue of our power with the most serene Dom John, by the grace of God, king of Portugal and of the Algarves on this side and beyond the sea in Africa, lord of Guinea, our very dear and very beloved brother, and with Ruy de Sousa, lord of Sagres and Berenguel, Dom João de Sousa, his son, chief inspector of weights and measures of the said Most Serene King our brother, and Ayres de Almada, magistrate of the civil cases in his court and member of his *desembargo*, all members of the council of the aforesaid Most Serene King our brother, [and acting] in his name and by virtue of his power, his ambassadors, who came to us in regard to the controversy over what part belongs to us and what part to the said Most Serene King our brother, of that which up to this seventh day of the present month of June, the date of this instrument, is discovered in the ocean sea, in which said agreement our aforesaid representatives promised among other things that within a certain term specified in it we should sanction, confirm, swear to, ratify, and approve the above-mentioned agreement in person: we, wishing to fulfill and fulfilling all that which was thus adjusted, agreed upon, and authorized in our name in regard to the above-mentioned, ordered the said instrument of the aforesaid agreement and treaty to be brought before us that we might see and examine it, the tenor of which, word for word, is as follows:

' In the name of God Almighty, Father, Son, and Holy Ghost, three truly separate and distinct persons and only one divine essence. Be it manifest and known to all who shall see this public instrument, that at the village of Tordesillas, on the seventh day of the month of June, in the year of the nativity of our Lord Jesus Christ 1494, in the presence of us, the secretaries, clerks, and notaries public subscribed below, there being present the honorable Don Enrique Enriques, chief steward of the very exalted and very mighty princes, the lord and lady Don Ferdinand and Doña Isabella, by the grace of God king and queen of Castile, Leon, Aragon, Sicily, Granada, etc., Don Gutierre de Cardenas, chief auditor of the said lords, the king and queen, and Doctor Rodrigo Maldonado, all members of the council of the said lords, the king and queen of Castile, Leon, Aragon, Sicily, Granada, etc., their qualified representatives of the one part, and the honorable Ruy de Sousa, lord of Sagres and Berenguel, Dom Juan de Sousa, his son, chief inspector of weights and measures of the very exalted and very excellent lord Dom John, by the grace of

God king of Portugal and of the Algarves on this side and beyond the sea in Africa, lord of Guinea, and Ayres de Almada, magistrate of civil cases in his court and member of his *desembargo*, all of the council of the said lord King of Portugal, and his qualified ambassadors and representatives, as was proved by both the said parties by means of the letters of authorization and procurations from the said lords their constituents, the tenor of which, word for word, is as follows:

[Here follow the full powers granted by Ferdinand and Isabella to Don Enrique Enriques, Don Gutierre de Cardenas, and Dr. Rodrigo Maldonado on June 5, 1494; and the full powers granted by John II to Ruy de Sousa, João de Sousa, and Ayres Almada on March 8, 1494.]

[1] Thereupon it was declared by the above-mentioned representatives of the aforesaid King and Queen of Castile, Leon, Aragon, Sicily, Granada, etc., and of the aforesaid King of Portugal and the Algarves, etc.:

[1.] That, whereas a certain controversy exists between the said lords, their constituents, as to what lands, of all those discovered in the ocean sea up to the present day, the date of this treaty, pertain to each one of the said parts respectively; therefore, for the sake of peace and concord, and for the preservation of the relationship and love of the said King of Portugal for the said King and Queen of Castile, Aragon, etc., it being the pleasure of their Highnesses, they, their said representatives, acting in their name and by virtue of their powers herein described, covenanted and agreed that a boundary or straight line be determined and drawn north and south, from pole to pole, on the said ocean sea, from the Arctic to the Antarctic pole. This boundary or line shall be drawn straight, as aforesaid, at a distance of three hundred and seventy leagues west of the Cape Verde Islands, being calculated by degrees, or by any other manner as may be considered the best and readiest, provided the distance shall be no greater than abovesaid. And all lands, both islands and mainlands, found and discovered already, or to be found and discovered hereafter, by the said King of Portugal and by his vessels on this side of the said line and bound determined as above, toward the east, in either north or south latitude, on the eastern side of the said bound, provided the said bound is not crossed, shall belong to, and remain in the possession of, and pertain forever to, the said King of Portugal and his successors. And all other lands, both islands and mainlands, found or to be found hereafter, discovered or to be discovered hereafter, which have been discovered or shall be discovered by the said King and Queen of Castile, Aragon, etc., and by their vessels, on the western side of the said bound, determined as above, after having passed the said bound toward the west, in either its north or south latitude, shall belong to, and remain in the possession of, and pertain forever to, the said King and Queen of Castile, Leon, etc., and to their successors.

[1] From this, the beginning of the treaty proper, as far as to "The said Don Enrique Enriques," on p. 76, the translation is taken from Blair and Robertson, *Philippine Islands*, I, 122–128.

[2.] Item, the said representatives promise and affirm by virtue of the powers aforesaid, that from this date no ships shall be despatched — namely as follows: the said King and Queen of Castile, Leon, Aragon, etc., for this part of the bound, and its eastern side, on this side the said bound, which pertains to the said King of Portugal and the Algarves, etc.; nor the said King of Portugal to the other part of the said bound which pertains to the said King and Queen of Castile, Aragon, etc. — for the purpose of discovering and seeking any mainlainds or islands, or for the purpose of trade, barter, or conquest of any kind. But should it come to pass that the said ships of the said King and Queen of Castile, Leon, Aragon, etc., on sailing thus on this side of the said bound, should discover any mainlands or islands in the region pertaining, as abovesaid, to the said King of Portugal, such mainlands or islands shall pertain to and belong forever to the said King of Portugal and his heirs, and their Highnesses shall order them to be surrendered to him immediately. And if the said ships of the said King of Portugal discover any islands and mainlands in the regions of the said King and Queen of Castile, Leon, Aragon, etc., all such lands shall belong to and remain forever in the possession of the said King and Queen of Castile, Leon, Aragon, etc., and their heirs, and the said King of Portugal shall cause such lands to be surrendered immediately.

[3.] Item, in order that the said line or bound of the said division may be made straight and as nearly as possible the said distance of three hundred and seventy leagues west of the Cape Verde Islands, as hereinbefore stated, the said representatives of both the said parties agree and assent that within the ten months immediately following the date of this treaty their said constituent lords shall despatch two or four caravels, namely, one or two by each one of them, a greater or less number, as they may mutually consider necessary. These vessels shall meet at the Grand Canary Island during this time, and each one of the said parties shall send certain persons in them, to wit, pilots, astrologers, sailors, and any others they may deem desirable. But there must be as many on one side as on the other, and certain of the said pilots, astrologers, sailors, and others of those sent by the said King and Queen of Castile, Aragon, etc., and who are experienced, shall embark in the ships of the said King of Portugal and the Algarves; in like manner certain of the said persons sent by the said King of Portugal shall embark in the ship or ships of the said King and Queen of Castile, Aragon, etc.; a like number in each case, so that they may jointly study and examine to better advantage the sea, courses, winds, and the degrees of the sun or of north latitude, and lay out the leagues aforesaid, in order that, in determining the line and boundary, all sent and empowered by both the said parties in the said vessels, shall jointly concur. These said vessels shall continue their course together to the said Cape Verde Islands, from whence they shall lay a direct course to the west, to the distance of the said three hundred and seventy degrees, measured as the said persons shall agree, and measured without prejudice to the said parties. When this point is reached, such point will constitute the place and mark for measuring degrees of the sun or of north latitude either by daily runs measured in leagues,

or in any other manner that shall mutually be deemed better. This said line shall be drawn north and south as aforesaid, from the said Arctic pole to the said Antarctic pole. And when this line has been determined as abovesaid, those sent by each of the aforesaid parties, to whom each one of the said parties must delegate his own authority and power, to determine the said mark and bound, shall draw up a writing concerning it and affix thereto their signatures. And when determined by the mutual consent of all of them, this line shall be considered as a perpetual mark and bound, in such wise that the said parties, or either of them, or their future successors, shall be unable to deny it, or erase or remove it, at any time or in any manner whatsoever. And should, perchance, the said line and bound from pole to pole, as aforesaid, intersect any island or mainland, at the first point of such intersection of such island or mainland by the said line, some kind of mark or tower shall be erected, and a succession of similar marks shall be erected in a straight line from such mark or tower, in a line identical with the above-mentioned bound. These marks shall separate those portions of such land belonging to each one of the said parties; and the subjects of the said parties shall not dare, on either side, to enter the territory of the other, by crossing the said mark or bound in such island or mainland.

[4.] Item, inasmuch as the said ships of the said King and Queen of Castile, Leon, Aragon, etc., sailing as before declared, from their kingdoms and seigniories to their said possessions on the other side of the said line, must cross the seas on this side of the line, pertaining to the said King of Portugal, it is therefore concerted and agreed that the said ships of the said King and Queen of Castile, Leon, Aragon, etc., shall, at any time and without any hindrance, sail in either direction, freely, securely, and peacefully, over the said seas of the said King of Portugal, and within the said line. And whenever their Highnesses and their successors wish to do so, and deem it expedient, their said ships may take their courses and routes direct from their kingdoms to any region within their line and bound to which they desire to despatch expeditions of discovery, conquest, and trade. They shall take their courses direct to the desired region and for any purpose desired therein, and shall not leave their course, unless compelled to do so by contrary weather. They shall do this provided that, before crossing the said line, they shall not seize or take possession of anything discovered in his said region by the said King of Portugal; and should their said ships find anything before crossing the said line, as aforesaid, it shall belong to the said King of Portugal, and their Highnesses shall order it surrendered immediately. And since it is possible that the ships and subjects of the said King and Queen of Castile, Leon, etc., or those acting in their name, may discover before the twentieth day of this present month of June, following the date of this treaty, some islands and mainlands within the said line, drawn straight from pole to pole, that is to say, inside the said three hundred and seventy leagues west of the Cape Verde Islands, as aforesaid, it is hereby agreed and determined, in order to remove all doubt, that all such islands and mainlands found and discovered in any manner whatso-

ever up to the said twentieth day of this said month of June, although found by ships and subjects of the said King and Queen of Castile, Aragon, etc., shall pertain to and remain forever in the possession of the said King of Portugal and the Algarves, and of his successors and kingdoms, provided that they lie within the first two hundred and fifty leagues of the said three hundred and seventy leagues reckoned west of the Cape Verde Islands to the above-mentioned line — in whatsoever part, even to the said poles, of the said two hundred and fifty leagues they may be found, determining a boundary or straight line from pole to pole, where the said two hundred and fifty leagues end. Likewise all the islands and mainlands found and discovered up to the said twentieth day of this present month of June by the ships and subjects of the said King and Queen of Castile, Aragon, etc., or in any other manner, within the other one hundred and twenty leagues that still remain of the said three hundred and seventy leagues where the said bound that is to be drawn from pole to pole, as aforesaid, must be determined, and in whatever part of the said one hundred and twenty leagues, even to the said poles, — they that are found up to the said day shall pertain to and remain forever in the possession of the said King and Queen of Castile, Aragon, etc., and of their successors and kingdoms; just as whatever is or shall be found on the other side of the said three hundred and seventy leagues pertaining to their Highnesses, as aforesaid, is and must be theirs, although the said one hundred and twenty leagues are within the said bound of the said three hundred and seventy leagues pertaining to the said King of Portugal, the Algarves, etc., as aforesaid.

And if, up to the said twentieth day of this said month of June, no lands are discovered by the said ships of their Highnesses within the said one hundred and twenty leagues, and are discovered after the expiration of that time, then they shall pertain to the said King of Portugal as is set forth in the above.

The said Don Enrique Enriques, chief steward, Don Gutierre de Cardenas, chief auditor, and Doctor Rodrigo Maldonado, representatives of the said very exalted and very mighty princes, the lord and lady, the king and queen of Castile, Leon, Aragon, Sicily, Granada, etc., by virtue of their said power, which is incorporated above, and the said Ruy de Sousa, Dom João de Sousa, his son, and Arias de Almadana, representatives and ambassadors of the said very exalted and very excellent prince, the lord king of Portugal and of the Algarves on this side and beyond the sea in Africa, lord of Guinea, by virtue of their said power, which is incorporated above, promised, and affirmed, in the name of their said constituents, [saying] that they and their successors and kingdoms and lordships, forever and ever, would keep, observe, and fulfill, really and effectively, renouncing all fraud, evasion, deceit, falsehood, and pretense, everything set forth in this treaty, and each part and parcel of it; and they desired and authorized that everything set forth in this said agreement and every part and parcel of it be observed, fulfilled, and performed as everything which is set forth in the treaty of peace concluded and ratified between the said lord and lady, the king and queen of Castile, Aragon, etc., and the lord Dom Alfonso, king of Portugal (may he rest in glory) and the said

king, the present ruler of Portugal, his son, then prince in the former year of 1479, must be observed, fulfilled, and performed, and under those same penalties, bonds, securities, and obligations, in accordance with and in the manner set forth in the said treaty of peace. Also they bound themselves [by the promise] that neither the said parties nor any of them nor their successors forever should violate or oppose that which is abovesaid and specified, nor any part or parcel of it, directly or indirectly, or in any other manner at any time, or in any manner whatsoever, premeditated or not premeditated, or that may or can be, under the penalties set forth in the said agreement of the said peace; and whether the fine be paid or not paid, or graciously remitted, that this obligation, agreement, and treaty shall continue in force and remain firm, stable, and valid forever and ever. That thus they[1] will keep, observe, perform, and pay everything, the said representatives, acting in the name of their said constituents, pledged the property, movable and real, patrimonial and fiscal, of each of their respective parties, and of their subjects and vassals, possessed and to be possessed. They renounced all laws and rights of which the said parties or either of them might take advantage to violate or oppose the foregoing or any part of it; and for the greater security and stability of the aforesaid, they swore before God and the Blessed Mary and upon the sign of the Cross, on which they placed their right hands, and upon the words of the Holy Gospels, wheresoever they are written at greatest length, and on the consciences of their said constituents, that they, jointly and severally, will keep, observe, and fulfill all the aforesaid and each part and parcel of it, really and effectively, renouncing all fraud, evasion, deceit, falsehood, and pretense, and that they will not contradict it at any time or in any manner. And under the same oath they swore not to seek absolution or release from it from our most Holy Father or from any other legate or prelate who could give it to them. And even though, *proprio motu*, it should be given to them, they will not make use of it; rather, by this present agreement, they, acting in the said name, entreat our most Holy Father that his Holiness be pleased to confirm and approve this said agreement, according to what is set forth therein; and that he order his bulls in regard to it to be issued to the parties or to whichever of the parties may solicit them, with the tenor of this agreement incorporated therein, and that he lay his censures upon those who shall violate or oppose it at any time whatsoever. Likewise, the said representatives, acting in the said names, bound themselves under the same penalty and oath, that within the one hundred days next following, reckoned from the day of the date of this agreement, the parties would mutually exchange the approbation and ratification of this said agreement, written on parchment, signed with the names of the said lords, their constituents, and sealed with their hanging leaden seals; and that the instrument which the said lords, the king and queen of Castile, Aragon, etc., should have to issue, must be signed, agreed to, and sanctioned by the very noble and most illustrious lord, Prince Don Juan, their

[1] *I.e.*, the constituents.

son. Of all the foregoing they authorized two copies, both of the same tenor exactly, which they signed with their names and executed before the undersigned secretaries and notaries public, one for each party. And whichever copy is produced, it shall be as valid as if both the copies which were made and executed in the said town of Tordesillas, on the said day, month, and year aforesaid, should be produced. The chief deputy, Don Enrique, Ruy de Sousa, Dom Juan de Sousa, Doctor Rodrigo Maldonado, Licentiate Ayres. Witnesses who were present and who saw the said representatives and ambassadors sign their names here and execute the aforesaid, and take the said oath: The deputy Pedro de Leon and the deputy Fernando de Torres, residents of the town of Valladolid, the deputy Fernando de Gamarra, deputy of Zagra and Cenete, *contino* of the house of the said king and queen, our lords, and João Suares de Sequeira, Ruy Leme, and Duarte Pacheco, *continos* of the house of the said King of Portugal, summoned for that purpose. And I, Fernando Alvarez de Toledo, secretary of the king and queen, our lords, member of their council, and their scrivener of the high court of justice, and notary public in their court and throughout their realms and lordships, witnessed all the aforesaid, together with the said witnesses and with Estevan Vaez, secretary of the said King of Portugal, who by the authority given him by the said king and queen, our lords, to certify to this act in their kingdoms, also witnessed the above-said; and at the request and with the authorization of all the said representatives and ambassadors, who in my presence and his here signed their names. I caused this public instrument of agreement to be written. It is written on these six leaves of paper, in entire sheets, written on both sides together with this leaf, which contains the names of the aforesaid persons and my sign; and the bottom of every page is marked with the notarial mark of my name and that of the said Estevan Vaez. And in witness I here make my sign, which is thus. In testimony of truth: Fernando Alvarez. And I, the said Estevan Vaez (who by the authority given me by the said lords, the king and queen of Castile, and of Leon, to make it public throughout their kingdoms and lordships, together with the said Fernando Alvarez, at the request and summons of the said ambassadors and representatives witnessed everything), in testimony and assurance thereof signed it here with my public sign, which is thus.

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13. Reception and Honors for Vasco da Gama

[1499. *The Three Voyages of Vasco da Gama and His Viceroyalty.* From the *Lendas da India* of Gaspar Correa. Translated by the Honorable J. E. Stanley and published by the Hakluyt Society in its Publications (1865), XLII, 266–275. Reprinted by permission of the Council of the Hakluyt Society of London.]

The author of the *Lendas da India*, Gaspar Correa, went to India when a very young man, and only sixteen years after its discovery by the Portuguese. He served as secretary to the

viceroy Alfonso de Albuquerque, and was in a good position to give an accurate account of the Portuguese in that colony. The *Lendas da India* were written in 1561 and cover a period of forty-three years. Of Vasco da Gama and his work Stanley, the translator, wrote: "Vasco da Gama has usually been ranked with Columbus and Magellan; but the position thus assigned to him not only does not belong to him, but such an estimate is an injustice to those two great navigators. In comparing the three men, the enterprises they carried out, the difficulties they met with, and the resources at their disposal, the greatest praise would seem to be due to Magellan. However, both Magellan[1] and Columbus originated the prospects of their respective voyages, and induced foreign sovereigns to promote them, and to accept of their services; but Gama, as Correa and Camoëns[2] tell us, was selected by Don Manuel to carry out a design devised by Prince Henry, and which Don Manuel inherited when it was already matured by Don Juan II. Magellan and Columbus commanded crews who were not their countrymen, proud men little disposed to follow the lead of a foreigner, and, in Magellan's case, especially disinclined to obey a Portuguese; Gama's crew was entirely composed of his own countrymen, and several of his personal friends were mixed up with them. Gama's great quality was his indomitable constancy . . .; but these virtues are detracted from by his violent and passionate temper and by the atrocious cruelties, worse than were ever committed by Pizarro, of which he was guilty during his second voyage.... No such stain attaches to the names of Columbus and Magellan: the latter lost his life through his chivalrous rashness in refusing the assistance of his Indian allies in an engagement with a superior force. Moreover, according to a popular belief, which still shows itself in books where such ignorance would not be expected, Gama is supposed to have been the first

[1] Fernão de Magalhães, or Magellan, had, however, become a Spanish citizen in 1517. Consult Bourne's *Spain in America*, 116–117.

[2] Luiz de Camões (Camoëns), celebrated Portuguese poet (1524?–1580), author of *The Lusiad* (*Os Lusiadas*).

navigator who doubled the Cape of Good Hope; but that task had already been accomplished by John Infante and Bartholomew Dias,[1] and Gama took with him pilots who had accompanied these navigators."[2]

The King was staying at Sintra when there arrived one Arthur Rodriguez, a man married in the isle of Terceira; he had a carvel of his own, ready to make a voyage to Algarve. He, seeing the ships come in, set sail without knowing whence they were coming, and so he passed by them under sail before they came to anchor, and asked whence they came, and they answered that they came from India. He at once made his course for Lisbon, where he arrived in four days, and entered Cascaes, and got into a small boat which was going ashore, and he gave orders to a son of his who came with him not to let anyone approach to communicate with his vessel, nor to say anything of the ships from India. This Arthur Rōīz on reaching land went at once with speed to Sintra, because the men of the skiff had told him that the King was there, and he set out and arrived there at one o'clock at night, and went to the King, who had just sat down at table to sup. Arthur Rōīz took the King's hand and kissed it, saying: "Sire, I have kissed the hand of your Highness for the great favour which you will grant me for the so great and good news which I bring you. It is four days since I set out from Terceira, where I left two ships from India, for as I was coming under sail in a carvel of mine I passed by them, and inquired, and they told me that they came from India: and as it was such good news, I did not choose that another should come first and be before me in gaining the reward which I hope your Highness will give me." The King was not able to continue hearing him, but went off at once to the chapel which is within the palace, where he recited his orisons and gave great praises to the Lord for the so great favour that had been vouchsafed to him. Upon this there was great excitement, and all the nobles flocked to the palace to give the King joy of his great satisfaction. The King took Arthur Rōīz as a gentleman of his household, and his son as a page of the chamber, and gave him a gratification of a hundred cruzados,

[1] This was accomplished in 1486.

[2] Introduction to *The Three Voyages of Vasco da Gama and His Viceroyalty*, xx–xxii. Hakluyt Society Publications, XLII.

which the King's purser gave to him at once. The King then said to the nobles that he would start before morning for Lisbon to receive further messages, which would come following after this one, and in case the ships came, the better to see them enter Lisbon. The King arrived there the next day at dinner-time, and another message reached him, which came to win the reward of good news, and which told the King all the news of how Vasco da Gama had arrived with his crews dead and sick, and that Paulo da Gama had thus arrived, and that he had died shortly after his arrival; at which the King showed grief, and said: "I should greatly rejoice if Vasco da Gama had come before me with his satisfaction complete, so as not to deprive me of any portion of mine which I now enjoy." The King gave a reward to the messenger for what he related, which was that as soon as they were prepared with what they required, the ships would set out, because they came with great labour at the pumps, from which the seamen never desisted, for the ships had opened their seams with the calms which they met with off Guinea, and with the hard work at the pumps the crews had fallen sick and died, but that many people of the island were coming in the ships, and many vessels were coming with them which would arrive with them at Lisbon. With this great pleasure the King waited until the ships arrived at the bar, where there were boats with pilots who were waiting for them, and who at once brought them in dressed out with flags, while the King was looking on from the House of the Mines, which afterwards became the India House. The ships on coming to anchor fired a salute with their artillery, and the King sent immediately Jorge de Vasconcelos, overseer of the armoury of Lisbon, a chief nobleman of his household, to visit Vasco da Gama, and to say to him that the King hoped his coming would be as happy as the pleasure which he himself felt on account of it; but that the King's pleasure was much diminished by the great grief which he experienced for the death of his brother; but seeing the great favour which the Lord had granted to him, and looking well at one circumstance and the other, he ought to lay aside his grief, at which the King would be much pleased, and that he should disembark shortly. After this, many friends and relations came to the ship to visit Vasco da Gama, and they entreated him much not to go before the King with such grief and mourning as he showed, and to have regard for the message which the King had sent. He consulted as to this with

all his friends, and he dressed himself in a close-fitting tunic of silk (*solia*), and a round barret-cap, which looked well, and he wore his beard very long, for he had never cut it since he had departed from Lisbon. Vasco da Gama landed on the beach in front of the houses, where he was received by all the nobles of the court, and by the Count of Borba and the Bishop Calçadilha, and he went between those two before the King, who, when he arrived, rose up from his chair and did him great honour; and Vasco da Gama on his knees took hold of his legs and kissed his hand, saying: "Sire, all my hardships have come to an end at this moment, and I am altogether satisfied, since the Lord has brought me to the presence of your Highness at the end of all, very well as I desired." The King said to him: "May your coming be very fortunate; and I have such satisfaction at it, that no one feels more pleased than I: and since God has given you life until this, as you besought of Him, He will give it you for you to receive from me the recompenses merited by the great service which you have now rendered me." At this Vasco da Gama kissed the King's hand. The King then said to him: "For my sake console yourself for the death of your brother, since it has pleased the Lord that all should remain for you, as all my hope and trust with regard to this service which I committed to you, I had reposed it in you, for which I give great praise to the Lord who has been pleased to grant me this great favour: and although your brother has died, his affairs shall not suffer by losing the recompenses which I would have made him had he been alive; and it shall be the same for all those who died as for those who have remained alive." Then the King mounted his horse, and went to the palace above the alcasoba, where his apartments then were, and took Vasco da Gama with him, who, on entering where the Queen was, kissed her hand, and she did him great honour. The King then dismissed him to go and rest himself, and bade him come next day to recount to him his labours and hardships, and give his orders as to what was to be done in the ships: upon which Vasco da Gama took his leave and went to his house, accompanied by many people. The King sent orders to the officers of the House of the Mines not to do anything, nor move anything in the ships except what Vasco da Gama ordered, and they were to go and ask him, and do whatever he commanded; and they did this and went to give him the message which the King had sent. Then Vasco da Gama ordered that a good guard should be set in the ships, and that

the crews should be sent to their homes, and should take with them all their clothes and property, with the exception of the master and pilot, whom he had to present in irons to the King, as he brought them as prisoners, and that they (the messengers) should go and tell the King of this, and of the cause of it. So they went at once to tell the King this and the cause of it, and when he heard it, he sent word to Vasco da Gama that, since he had arrested them, he might order them to be executed or set at liberty, and he might do with them whatever was his will, as he gave him full and entire jurisdiction over them and as many as came with him. Vasco da Gama then sent to summon the prisoners to his house, and said to them: "I have fulfilled my word in delivering you up in irons to the King, and I have sent to tell him of your offences, and he has left the punishment of them to me; this I pardon you freely, on account of your hardships; now I will comply with my word as to the recompense which I promised you for your services: go in peace and rest yourselves with your wives and children, with whom you will now live with more ease and pleasure than you would have had if you had returned, flying from fear of the storms, and bringing your captain a prisoner as you had determined to do." To this they had nothing to answer, but only fell upon their knees with their hands raised to heaven, and said: "Sir, may you have your reward from God." Vasco da Gama sent them to their houses, and ordered that they should take out of the ship all their property. Then he ordered them to disembark and bring to his house the Moorish pilots, and the captives, and the Jew, and all were now wearing the clothes which Vasco da Gama had ordered to be made for them on leaving Terceira. Next day in the morning Vasco da Gama went to the palace, and found the King in the wardrobe, where he was standing dressing himself. On his entrance the King made him very welcome with smiles and pleasant words, and called to him, saying, "Dom Vasco da Gama, you have rested but little." Dom Vasco, with one knee on the ground, kissed his hand for the favour of the title of Dom which he had given him. The King told him that he gave it to him for the whole of his lineage, and continued talking to him of the pleasure he felt, and then went to mass, where Dom Vasco stood within the curtain speaking to the King, and for a long space of time after mass, during which he gave the King many details of his affairs. After that they went to the house of the Queen, whither Dom Vasco sent to summon Nicolas

Coelho to come from the ship, who brought a chest in which came all the jewels and stuffs for the King. When he had come in, Dom Vasco presented him to the King, and said: "Sire, Nicolas Coelho has not been of little account in the hardships and services, and your Highness will show him favours according to his merits." To this the King replied: "Dom Vasco, it shall all be as you desire." Then he kissed the King's hand, which Nicolas Coelho did also, and then opened the chest, and presented on the Queen's dais the necklaces and jewels and stuffs of the Kings of Cananor and of Melinde, and the letters on the leaves of gold, and the piece of ambergris, which was what the Queen valued the most; also the musk and porcelain which had been bought in Calecut; and when all had been gathered together, Vasco da Gama remained there relating all the principal events which had happened during his voyage, whilst all the principal gentlemen of the kingdom were present, for the King wished that they should learn how great a service Dom Vasco had rendered to him. They all offered great congratulations upon it to the King, on account of the great pleasure which they saw that he took in it, and all desired [to have performed] the services of Dom Vasco, and [to possess] the dignities which he held by a grant, and they greatly extolled the deserts of Dom Vasco. Whilst Dom Vasco da Gama was relating to the King the kindness of the King of Melinde, he told him that he had in his house two pilots whom that King had given to him, expressing a great desire that they should see with their own eyes the things of Portugal, to relate them to him on their return. The King rejoiced much at this, and told Dom Vasco to employ a man to go about with them and show them all the things which it seemed to him desirable for them to see; and this was done, and all the good things of Portugal were shown to them, especially the King and Queen, with her ladies, on feast days, and at the royal dance, and the King's banquet, and the sports with bulls and canes (jerid), and the churches and splendid palaces, and the monastery of Batalha: all which the pilots wrote down and took notes of. Dom Vasco also gave an account to the King of the Jew whom he brought and of the other captives whom he had taken in Angediva. The King told him that they were all his, to do what he pleased with. All of them became Christians, for Dom Vasco took care of them all and treated them well, especially the Jew, who received the name of Gaspar da Gama, because he took him as his godson at baptism: the King spoke to this Jew

frequently, and took pleasure in listening to what he related, on which account the King did him many favours, and gave him many dresses from his own wardrobe, and horses from his stables, and servants from among those who became Christians whom Dom Vasco gave to him; and all the people used to call him Gaspar of the Indies, for so he wished them to name him. After that the King ordered Dom Vasco to dispose and give orders for the payment of the crews of the ships as he thought fit, since he knew their deserts better than any one else, and the ships had now discharged their cargo. So he ordered that the officials should give to each man all that they had brought freely, and that to each man should be given ten pounds of each spice for their wives to divide with their gossips and friends, so that all might be pleased. When the cargo was taken out, all the pepper and drugs were weighed; the King ordered his officials to draw up an account of all the expense of the three ships and the merchandise and things which they had taken out, and of the recompenses and pay of the captains and crews, because all had remained written down up to their departure from Belem: and all this having been reckoned up, and also the value of the return goods, it was found that for each one there was a profit of sixty. Then the King granted to Dom Vasco a perpetual right of two hundred cruzados which he might lay out each year, of his own money, on cinnamon in Cananor, as that was the first country on the coast of India with which he had established relations. These purchases he might stow on board any ship whatever without paying freight or duties, and he might bring them free of charge to his house to be weighed, that they might not be in excess; and even though there should not be more than one ship only, he might stow them in it: and if during one year he put nothing on board, if it were not by his own default, he was to be at liberty during the following year or years to put all this cargo on board without missing that of any year. This the King granted to him, as long as India lasted, for an inheritance of his principal heir. In addition to this, he gave him a gratification of twenty thousand cruzados in gold, which the officials carried to his house, and he granted to him ten quintals of pepper and of each drug to distribute amongst his friends, and he was allowed to carry all his goods to his house without paying any duty. The King commanded a proclamation to be made for all the survivors and heirs of the deceased sailors to come and receive all that was due to them [reckoning] up the time when the ships

entered Lisbon. To each of the masters and pilots half a quintal of each drug was given, with the exception of cinnamon and mace, because the ships had brought little of it. The King prohibited their selling any of it; they were only to use it and divide amongst their friends. To the heirs of the deceased no drugs were given, only there was given to them the right to the half of their value. All this was done according to the arrangements made by Dom Vasco. The King gave a grant to Nicolas Coelho of three thousand cruzados per month for all the time that the voyage had lasted, and one quintal of all the drugs, and his goods free; and the captaincy of a ship for India in all the fleets in which he might choose to go, which he might give away or sell. To the heirs of Paulo da Gama the King gave the half of all that he had given to Dom Vasco, excepting the taking in cargo of ginger. On the whole, great favours and recompenses were given to one and all; because, at that time, the quintal of pepper was worth in Lisbon eighty cruzados; that of cinnamon one hundred and eighty; that of cloves two hundred; that of ginger one hundred and twenty; that of mace three hundred; and the quintal of nutmeg one hundred. With these grants and salaries all remained rich and satisfied. The King in his great happiness gave great praises to the Lord, who had vouchsafed such great favour to him at the commencement of his reign; he sent, through the Bishop of Guarda, an offering to our Lady of Guadelupe; he went with Dom Vasco to offer the necklace which the King of Cananor had given, with some rich stuffs, and a bag of each kind of drug, and a piece of benzoin for the use of the convent. He also gave a large offering to the monastery of Belem, and to the other holy houses, and convents of nuns, that all might give thanks and praises to the Lord for the great favour which He had shown to Portugal; this was also strongly enjoined in all the sermons and stations throughout all the churches. The King with the Queen went in solemn procession from the cathedral of San Domingo, where Calçadilha preached on the grandeur of India, and on the so great and miraculous discovery of it which the Lord had granted, and the good beginning which he had made for whatever more might please the Lord. So that he greatly stimulated and inclined all men to go thither to win honour and profit, such as they saw in the case of those who had come from thence. Then the King shortly after arranged for sending to India another large fleet of great and strong ships which could stand much cargo, and which, if

they returned in safety, would bring him untold riches: all this was talked over and arranged with Dom Vasco, to whom the King gave a patent, by which he was to go as captain-major in any fleet which should sail for India; and by it he would be able to take the captaincy, notwithstanding its having been given to any other person, and he could put himself in a fleet which might already be at Belem on the point of departure; and in any fleet in which he might go as captain-major he might remove or appoint the captains of the ships according to his will and pleasure, notwithstanding that the ships had already got captains, since the King gave him all power to make and unmake in the fleet all that he chose, without the King's remaining on that account under any obligation towards them.

Reckoning up from the day that Dom Vasco left Lisbon until the day on which he entered it, he went thirty-two months on this voyage, in which it pleased the Lord in His mercy that it should have been for His holy Catholic faith, and the wonderful increase of so many Christian communities in all parts of India, which it has pleased Him to grant to us in our days. All which may it be for His holy praise for ever. Amen.

14. The Lettera Rarissima

[Island of Jamaica, July 7, 1503. John Boyd Thacher, *Christopher Columbus* (1903), II, 683 ff. Reprinted by permission of the publishers, G. P. Putnam's Sons, New York and London.]

The last years of Christopher Columbus's life were full of disappointments and tribulations. The indifference and neglect of the court undermined his health. Poverty also added its bitterness to the other misfortunes. On the fourth and last voyage to the New World he strove with great eagerness and against great odds to locate the mines of riches which might crown his whole career with final success. The *Lettera Rarissima* was written from the Indies during this voyage. Ferdinand Columbus declared that his father sent it to the Catholic monarchs by the hand of Diego Mendez, and that it was printed. It was found by Navarrete in the National Library of Madrid in the form of a Spanish manuscript the text of which appeared to belong to the middle of the sixteenth century. Thacher was

of the opinion that it was written in Spanish. It purports to be a "Copy of the letter which Don Christopher Columbus, Viceroy of Spain and Admiral of the Indian Islands, wrote to the most Christian and Powerful King and Queen, our Lords; in which he makes known to them what befell him on his voyage; and the lands, provinces, towns, rivers, and other things worthy of admiration; and also the lands where gold mines are found in great quantity; and other things of great value and riches." The following excerpts from that document are curiously illuminating.

Most Serene and Mighty Princes, King and Queen, our Lords:

. . . . . .

. . . On the day of Epiphany I arrived without any strength at Baragua; there God prepared for me a river as a sure harbour, although it had at most no more than ten palms of depth.[1] I entered this river with fatigue. The following day again the tempest returned, which if it had found me outside, would not have permitted me to re-enter. It rained without ever ceasing until the 14th of February so that I had no place to stay on land nor to find a remedy in anything. While I was yet in safety on the 24th of January the river unexpectedly grew very high and strong, breaking the cables and the anchorages, and it lacked (little) of carrying away the ships and certainly I saw them in more danger than ever. God helped me as He always did. I do not know if there has ever been any one with more martyrdom or with more suffering than I. On the 6th of February while it rained continuously I sent seventy men inland five leagues and they found many mines of gold. The Indians, that is to say those two men who went with them, brought them to a very high mountain and from there they showed them all parts as far as the eyes could see, saying that in every part there was gold enough, and that towards the west the mines stretched for twenty days and they named the countries, cities and places where more or less gold was found. Afterwards I heard that the Quibian (for so they call the Lord of the land) who had given me these two Indians had ordered them to show the mines which were more distant and which belonged to another chief, his enemy; and that within his own land his people gathered daily much gold, and that one

[1] Thacher, *Christopher Columbus*, II, 689–692.

man alone might gather in ten days a mazata of gold. The Indians, his servants, witnesses of this, I brought with me into the midst of that people as far as boats could go. My brother returned with this people and all with gold which they had gathered within the space of four hours, for they did not tarry longer; the quantity is great having respect to the fact that no one had seen mines and most of them as it happened had never seen gold, because they were for the most part men of the sea and almost all ship's boys. I had many tools and materials for building and much victuals; I made a dwelling place for myself and built certain houses of wood and presented many things to the Quibian, that is to say, the chief. I well understood and judged that our concord would not last long. They were very simple and our people were very troublesome, and moreover I had taken possession of territory within his dominions. When he saw the houses built and the trade so flourishing and general, he determined to burn them all and to kill us all, as many as we were. Much to the contrary was the issue of this design, because as it pleased God, he was taken himself, his wife, his sons and servants, although misfortune determined that he should remain but a little time in captivity. The Quibian fled to a certain worthy man, to whom he had presented himself with a guard of men. The sons fled to the master of a ship who brought them to a safe place. In the month of April the ships were all eaten by frost and winter weather and we could not keep them above water. At this time the said river made a channel; through which I brought three of the ships with great pains, having emptied them. The boats returned within the river for salt and water and other things. The sea became very great and ugly and would not permit them to go out. The Indians were numerous and having assembled, they fought the said boats. Finally all were slain. My brother and all the other people were in one ship which had remained in the river. And I alone was without on such a stormy coast with great fever and so much fatigue that the hope of escape was already dead. Nevertheless, as best I could I mounted to the top of the ship crying out with weak voice, weeping bitterly, to the commanders of your Majesties' army, and again calling to the four winds to help; but they did not answer me. Tired out, I fell asleep and sighing I heard a voice very full of pity which spoke these words: *Oh! fool and slow to believe and to serve Him, thy God and the God of all. What did He more for Moses? and for David His servant? Since thou*

wast born He had always so great care for thee. When He saw thee in an age with which He was content He made thy name sound marvellously through the world. The Indies, which are so rich a part of the world, He has given to thee as thine. Thou hast distributed them wherever it has pleased thee; He gave thee power so to do. Of the bonds of the ocean which were locked with so strong chains He gave thee the keys and thou wast obeyed in all the land and among the Christians thou hast acquired a good and honourable reputation. What did He more for the people of Israel when He brought them out of Egypt? or yet for David, whom from being a shepherd He made King of Judea? Turn to Him and recognise thine error, for His mercy is infinite. Thine old age will be no hindrance to all great things. Many very great inheritances are in His power. Abraham was more than one hundred years old when he begat Isaac and also Sarah was not young. Thou art calling for uncertain aid. Answer me, who has afflicted thee so much and so many times, — God or the world? The privileges and promises which God makes He never breaks to any one; nor does He say after having received the service that His intention was not so and that it is to be understood in another manner: nor imposes martyrdom to give proof of His power. He abides by the letter of His word. All that He promises He abundantly accomplishes. This is His way. I have told thee what the Creator hath done for thee and does for all. Now He shows me the reward and payment of thy suffering and which thou hast passed in the service of others. And thus half dead, I heard everything; but I could never find an answer to make to words so certain and only I wept for my errors. He, whoever he might be, finished speaking, saying: *Trust and fear not, for thy tribulations are written in marble and not without reason.*

I came to myself when I was able and at the end of nine days it became good weather, but not so that the vessels could be brought out of the river. I gathered all the crew who were on shore and all the rest as far as was possible, for they were not sufficient to stay and to navigate the ships. I would have remained to hold out against the natives with all my people if your Majesties had known this. The fear that there never would come any ships determined me to depart from here, and moreover the point is this: that when succour has to be provided it should be furnished for all who are in need.

I set out in the name of the Holy Trinity on Easter night with the ships eaten and mouldy and full of holes. I left one, the worst one, in

Belem, with many things. In Puerto Bello I left another; only two remained to me in the same state as the others and without boats or provisions having to pass seven thousand miles of sea and water or I must perish on the journey with my poor son and brother and so many people. They may now answer me, those who were wont to boast and to blame me, saying, — Why didst thou not so? Why didst thou not steer hither? Why not thither? I would they had been there on that day. I verily believe that another [day] of knowledge awaits them or our faith is nothing.

. . . . . .

. . . I think more of what has been done in this land, of the port and principality than of all the rest of the things which I have accomplished in the Indian islands.[1] This is not a little son which may be given to a step-mother to nurse. Of Española and Paria and all the other lands I never think without the tears falling from my eyes; I believed that the example of these ought to serve for the others. On the contrary they remain [as if they were in a state of] gasping for breath but they do not die. The malady is incurable but lingering. Who has caused these things let him now come and if he may, provide a cure. In confusion every one is a master, but for reorganisation few masters are to be found. Favour and increase of salaries used to be accorded those who exposed their body and lives to dangers, and there is no reason why those who have remained so opposed to this business should reap benefits, they nor their heirs. Those who fled from the Indies to escape fatigues, speaking evil of those and of me, returned with commissions and thus was it ordered concerning Baragua; an evil example and without utility for this undertaking and in respect to the justice of the world. This affair together with several other causes made me entreat your Majesties' favour before I came to discover these islands or mainlands, that you would permit me to govern them myself in your royal name; this seemed good to you and it was ceded to me with privilege and charter and with seal and oath and I was entitled a Vice-Admiral and Governor General of the whole, and you fixed for me the boundary 100 leagues beyond the islands of the Azores and those of Cape Verde, which crossed the Equinoctial line from pole to pole and of this, of all that which every day I might discover you gave me full power as the writing says.

[1] Thacher, *Christopher Columbus*, II, 697–699.

Another most famous business stands calling me with open arms; it has been a thing foreign to me until now. Seven years did I remain in the Court of your Majesties, when those to whom I spoke of this enterprise declared with one voice that it was chimerical and foolish. At the present time even tailors and shoe-makers ask favours of your Majesties to discover lands. It is to be believed that they go for plunder and if your Majesties concede it to them, whatever thing they gain is with much hindrance to the enterprise and to my honour; it is a good thing to render to God that which is His and to Cæsar that which belongs to him, and this is a just sentiment and for a just Prince. The lands which obey your Majesties and which acknowledge you for their Lords in these islands are more than all the others of Christendom and most rich; since I by Divine will more than by my own wisdom have placed them under your royal and mighty dominion and I say that your Majesties will have from them very great revenues. Suddenly while awaiting the ship I had asked of our Majesties in order to come to your high presence, with victories and great news of gold and of various riches, being of good spirit and considering myself secure in person, I was taken and put into a ship with my two brothers, loaded with chains, naked of body, with very bad treatment without being cited [for a hearing] nor yet sentenced by justice. Who will be willing to believe that a poor foreigner would have wished to rebel against your Majesties without cause and without the aid of another Prince? Especially as I was alone in the midst of all those who were with me, your vassals and natives of the kingdom of your Majesties, and besides considering that I had all my sons at your royal Court. I came to serve your Majesties at the age of 28 years and I have not at this instant a hair which is not grey; my body is debilitated and physically ruined. Whatever I had brought with me, everything was taken from me, and from my brothers, even to my frock without my being heard or seen, to my great dishonour. It is to be believed that this has not been done by your royal order, and if this be so as I say, your royal restitution of my honour and my damages and the punishment of those who have done it, your Majesties will make known throughout all the world; and to those others who have robbed me of wealth and who have injured me in respect to my Almirantazgo; it will be a very great act of renown and of virtue with an example, if your Majesties will do this, and there will remain in Spain and in

every other place, a glorious memory of your Majesties as grateful and just Sovereigns.

The good and sound purpose which I always had to serve your Majesties and the dishonour and unmerited ingratitude, will not suffer the soul to be silent although I wished it, therefore I ask pardon of your Majesties. I have been so lost and undone; until now I have wept for others that your Majesties might have compassion on them; and now may the heavens weep for me and the earth weep for me in temporal affairs; I have not a farthing to make as an offering in spiritual affairs. I have remained here in the Indian islands in the manner I have before said in great pain and infirmity, expecting every day death, surrounded by innumerable savages full of cruelty and by our enemies, and so far from the sacraments of the Holy Mother Church that I believe the soul will be forgotten when it leaves the body. Let them weep for me who have charity, truth and justice. I did not undertake this voyage of navigation to gain honour or material things; that is certain; because the hope already was entirely lost; but I did come to serve your Majesties with honest intention and with good charitable zeal; and I do not lie.

I supplicate your Majesties that if God is willing that I should be able to come out from here; that it may be granted me and that I may go from here to Rome and on other pilgrimages. And may the lives of your Majesties and your lofty stations be preserved and prolonged by the Holy Trinity.

Done in the Indies in the island of Jamaica, the 7th of July, 1503.

Printed at Venice (in the name of Constanzo Bayuera citizen of Brescia) by Simone de Lovere on the 7th of May, 1505. With privilege.

Be advised, reader, not to read "Columbus, Viceroy of Spain," read only this "Viceroy of the Indian islands."

15. Letters by Peter Martyr

[John Boyd Thacher, *Christopher Columbus* (1903), I, 54 ff. Reprinted by permission of the publishers, G. P. Putnam's Sons, New York and London.]

Peter Martyr of Anghiera (1455–1526) was, according to Thacher, "the most voluminous epistolary writer of his time and there have come down to us no less than 812 of his letters, com-

mencing in 1480 and ending only with his declining years, some more elaborately composed than others, but all filled with interest and life.... These letters were published at Alcala in 1530, and in 1670 Daniel Elzevier reproduced them from his famous family press at Amsterdam. They are of interest to us because some of them describe the earliest events of American history and were indited, not years after the occurrence of these events, but immediately upon the news reaching the notice of the author." [1]

Several of the letters dealing with the history of America follow:

LETTER CXXXI [2]

A few days after there returned from the Western Antipodes a certain Christopher Columbus, a Ligurian, who with barely three ships penetrated to that province which was believed to be fabulous: he returned bearing substantial proofs in the shape of many precious things and particularly of gold which is a natural product of these regions: but, Illustrious Count, we must pass over foreign matters.

Barcelona, May 14, 1493.

LETTER CXXXIV [3]

Attention, you two most wise and venerable men, and hear of a new discovery. You remember Columbus, the Ligurian, who persisted when in the camp with their sovereigns, that one could pass over by way of the Western Antipodes to a new hemisphere of the globe: it is important you should recall it. Because the deed was in a measure due to you both. And I hold it true that without your counsel the thing had not been done. He is returned safe and declares he has found wonderful things. He displays gold, a token of the gold mines of those regions. He brought away with him cotton, and spices both oblong in shape and smooth sharper than the pepper of Caucasia. The ground naturally produces all these things as well as the trees of scarlet dyes. Travelling westward five thousand miles from Cadiz as he relates, he happened upon many islands. Among these he captured one which he

[1] Thacher, *Christopher Columbus*, I, 45.

[2] *Ibid.*, I, 54. This letter was written to Borromeus.

[3] *Ibid.*, I, 55–56. This letter was written to the count of Tendilla and the archbishop of Granada.

asserts is greater in circumference than the whole of Spain. He found men content with their nature, naked, consuming native foods, and bread of roots; certain plants, the joints of which are frequent, are covered over in the ground for certain periods of time, from each joint of which grow round-shaped things like a pear or gourd. These they dig out when ripe as we do turnips and radishes, dry them in the sun, break them open, grind them into flour, crush them, cook and eat them. They call these vegetables by the name Agies. There are other growths, many of which are edible, but differing from our trees. The island produces no quadrupeds, except immense lizards, yet not at all noxious and a certain species of small hares which are comparable to our rats. This people have Kings and some among them are greater than others, and they contend among themselves with spears and rods burned to sharpened points and with bows. A desire for government exists among them even if they are naked; they take wives. He has not yet told what things they worship except the Deity of Heaven. You gave three ships to Columbus; he lost the largest on the shore of the island, which was dashed against a rock covered with water. With the two remaining smaller ones he returned; he left in the island eight and thirty men, who until he returns to them are to investigate the character of the places, whom he commended to the petty King of that Island, Guadcanarillus by name, who himself goes naked; he will return, a larger fleet is preparing for him. If I live you shall know from me what happens. Fare thee well.

Barcelona, September 13, 1493.

LETTER CXXXIX[1]

Columbus, he who discovered the New World, the Sea-Chief of the Indian Ocean (whom the Spaniards call Admiral), appointed for the western lands of my sovereigns, with eighteen ships and a thousand soldiers and artificers of every sort, has been sent back to build a new city and he carried with him animals and seeds of all kinds. Fare thee well, if only these may be permitted to reach you by the French who are marching against you.

From the Court, November 1, 1493.

[1] Thacher, *Christopher Columbus*, I, 60. This letter was written to Cardinal Ascanio Sforza.

LETTER CXLIII [1]

. . . Day by day more and more marvellous things are reported from the New World through Columbus the Ligurian, who has been created an Admiral of the Ocean by my sovereigns on account of good services. A great quantity of gold has been discovered on the surface of the ground. He [the Admiral] declares that he has pushed his way from Española so far toward the West that he has reached the Golden Chersonese, which is the farthest extremity of the East. The Admiral thinks that there remains for him to discover only the space covered by two of those four and twenty hours consumed by the encircling sun in his daily passage. He discovered men feeding on human flesh, who are called by their neighbours cannibals, and these go naked, as in fact do all the others of that race. I have begun to write a work concerning this great discovery. If I am suffered to live I shall omit nothing worthy of being recorded, and whatever portions of this work come out of the press a copy shall be sent you. At all events I shall supply the learned world, in undertaking the history of great things, with a vast sea of new material. Fare thee well. From the town of Complutum in Oretania, which is called Alcala.

October 20, 1494.

LETTER CXLV [2]

. . . But hear what things have lately been discovered at the Antipodes in the Western hemisphere. This same Columbus, the Admiral of the Ocean, is sent with a fleet of eighteen vessels, that he may set about building a city in that island of Española, as he calls it, where he has settled, and that he may explore other and further regions. He has sent back the larger part of his fleet. Marvellous things are related. These I would describe, but the impatience of the messenger will not suffer it.

Alcala, October 31, 1494.

[1] Thacher, *Christopher Columbus*, I, 62–63. This letter was written to John Borromeo.

[2] *Ibid.*, I, 65. This letter was written to the archbishop of Braga and to the bishop of Pampeluna.

LETTER CXLVII [1]

. . . While these disturbances are going on in Italy, Spain spreads her wings more and more over the Indies, widens her dominions, stretches her glory and name to the antipodes. . . .

Complutum, Alcala, December 5, 1494.

LETTER CLVII [2]

. . . . . .

This land [3] is most fertile by nature. I have told in other letters how it abounds in precious things. They prefer bread made from the roots to ours made from ground wheat, for the taste is more relishing to them and it digests more easily; but they use both. They say that during the entire year the day scarcely differs from the night, which is probable from their place on the globe. They experience discomfort neither from great heat nor cold. I imagine this is owing to the showers which they say fall frequently, otherwise they would suffer bitterly. They say that the trees project in great branches and are lofty. The grass grows so dense and thick that one can scarcely make a way either on foot or by horse. Our herds are said to fatten and grow much more quickly on account of the pasturage. And likewise the garden stuffs have their growth in a wonderfully short time, squashes, melons, cucumbers, and such other vegetables from the sown seed may be eaten within thirty-six days; lettuce, radishes, and other cabbage-like vegetables within fifteen days. They say that the second year after the planting of the vines delicious grapes are gathered. The canes from which sugar is extracted grow a cubit in height within twenty days. . . .

Complutum in Oretania (Alcala), January 10, 1495.

LETTER CCCCCXXXVII [4]

We have messengers from the New World. Vasco Nuñez de Balboa, with the aid of his followers and against the will of authorities appointed by the King, has usurped the government of Darien, driven

[1] Thacher, *Christopher Columbus*, I, 67. This letter was written to Pomponius Laetus.

[2] *Ibid.*, I, 72–73. This letter was written to Pomponius Laetus.

[3] The Indies.

[4] Thacher, *Christopher Columbus*, I, 84–85. This letter was written to Luis Furtado Mendoça.

out the Governor Nicuesa and thrown into prison the Bacheller [Lawyer] Enciso, who was the official charged with rendering justice. Balboa has attempted and accomplished a deed so great that not only has he been pardoned for his treasonable conduct, but distinguished by honourable titles. The rumour had prevailed among the colonists of these lands that beyond the high mountains lying in sight of them was another ocean, a southern ocean richer in pearls and gold; but the kings of the lands situated in between proposed to defend them sharply. Moreover, to break their power it would require an armed force of one thousand men. Pedro Arias was sent on in advance at the head of these warriors to open a way by force. In the meantime, while these things were preparing in Spain, while the army was collecting and arming and the ships were building, Vasco Nuñez de Balboa decided to put fortune to a great hazard. He set out from Darien with one hundred and ninety men on the first day of September in this last year 1513 and began his journey. Partly by force, partly by conciliations and pacifying the native kings with our presents, he scaled the mountains and saluted the ocean. Thus he stole away from Pedro Arias and his companions the fame and glory of this great enterprise. Marvellous things are written. When we shall have definite news, thou shalt know it. . . .

Valladolid, Spain, July 23, 1514.

16. Letter from Vasco Nuñez (de Balboa) to the King of Spain

[January 20, 1513. Pascual de Andagoya, *Narrative and Proceedings of Pedrarias Davilla in the Province of Tierra Firme or Castillo del Oro, and the Discovery of the South Sea and the Coasts of Peru and Nicaragua.* Translated by Clements R. Markham and published by the Hakluyt Society in its Publications as XXXIV (1865), iii–xix (of the Introduction). Reprinted by permission of the Council of the Hakluyt Society of London.]

The career of Vasco Nuñez de Balboa in the Indies — his strange arrival on the Isthmus of Panama, his rise to power, the discovery of the Pacific, his death at the hands of Pedrárias de Ávila in 1519, and his treatment at the hands of historians — is altogether remarkable. The following letter explains the position and the designs of Balboa after he had become the

leader of the colony at Darién. His appeal to the king for reenforcement and supplies to enable him to undertake the expedition to Peru met with no response.

Most Christian and Most puissant Lord,

Some days ago I wrote to your Majesty by a caraval which came to this town, giving your very Royal Highness an account of all that has happened in these parts. I also wrote by a brigantine which left this town for the island of Española, to let the admiral[1] know that we were in extreme distress; and now we have been supplied by two ships laden with provisions. We were then reduced to such extremities that, if succour had been delayed, it would no longer have been necessary. For no remedy could then have delivered us from the consequences of famine; and in our great need we lost 300 of the men we found here of those I commanded, of those of Uraba under Alonzo de Ojeda, and of those under Diego de Nicuesa at Veragua. With much labour I have united all these parties together, as your Royal Majesty will see in another letter which I write to your very Royal Highness, where I give an account of all that has taken place here. I sent, most Royal Highness, to order that the persons who were in the settlement of Diego de Nicuesa should be brought to this town, and I treated them with all the attention that was possible. Your most Royal Highness will be aware that, after Diego de Nicuesa came to this town and thence departed for Española, I took as much care of the people that were left in his settlement, as if they had been under my own charge, and had been conveyed from Castile by order of your Royal Highness. When I found that they were in want, I remembered to send provisions to them one two or three times, until after a year and a half I conveyed them to this town, seeing that I should thus further the service of your most Royal Highness. For if I had not helped them they would have been lost, five or six dying of hunger every day, and the survivors being thinned by the Indians. Now all the men who were left behind by Diego de Nicuesa are in this town. From the first day of their arrival here they have been treated as well as if they had been sent by order of your most Royal Highness, for

[1] Ojeda had first reached northwestern South America in his expedition of 1499. In 1508 he was appointed governor of Castilla del Oro. His efforts to found a settlement there failed.

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there has been no difference made with them, any more than if they had come here on the first day. As soon as they arrived here they were given their pieces of land for building and planting in a very good situation, close to those occupied by the men who came with me to this town, for the land was not yet divided, and they arrived in time to receive some of the best pieces. I have to inform your most Royal Highness that both the governors, as well Diego de Nicuesa as Alonzo de Ojeda, performed their duties very ill, and that they were the causes of their own perdition, because they knew not how to act, and because, after they arrived in these parts, they took such presumptuous fancies into their thoughts that they appeared to be lords of the land. They imagined they could rule the land and do all that was necessary from their beds; and thus they acted, believing that they had nothing further to do. But the nature of the land is such that if he who has charge of the government sleeps, he cannot awake when he wishes, for this is a land that obliges the man who governs to be very watchful. The country is difficult to travel through, on account of the numerous rivers and morasses and mountains, where many men die owing to the great labour they have to endure, for every day we are exposed to death in a thousand forms. I have thought of nothing, by day or by night, but how to support myself and the handful of men whom God has placed under my charge, and how to maintain them until your Highness sends reinforcements. I have taken care that the Indians of this land are not ill-treated, permitting no man to injure them, and giving them many things from Castile, whereby they may be drawn into friendship with us. This honourable treatment of the Indians has been the cause of my learning great secrets from them, through the knowledge of which large quantities of gold may be obtained, and your Highness will thus be well served. I have often thought how it will be possible for us to sustain life, seeing that we have been as badly succoured from the island of Española as if we had not been Christians. But our Lord, by his infinite mercy, has chosen to supply us with provisions in this land, though we have often been in such straits that we expected to die of hunger; yet at the time of our greatest necessity our Lord has pointed out the means of relief. Your most Royal Highness must know that after we came here, we were forced to travel from one place to another, by reason of the great scarcity, and it astonishes me how we could have endured such hardships. The things that have hap-

pened have been more by the hand of God than by the hand of men. Up to the present time I have taken care that none of my people shall go hence unless I myself go in front of them, whether it be by night or day, marching across rivers, through swamps and forests and over mountains; and your Royal Highness should not imagine that the swamps of this land are so light that they can be crossed easily, for many times we have had to go a league, and two and three leagues, through swamps and water, stripped naked, with our clothes fastened on a shield upon our heads, and when we had come to the end of one swamp we have had to enter another, and to walk in this way from two or three to ten days. And if the person who is entrusted with the government of this land remains in his house, and leaves the work to others, no one else he can send in his place can manage the people so well, or fail to make mistakes which may cause the destruction of himself and of all who are with him. I can say this with truth, as a person that has seen what happens; for sometimes, when I have been unable to go with the men because I have been detained by some business connected with the sowing of the crops, I have observed that those whom I have sent in my place, have not acted according to reason.

I, my Lord, have taken care that everything that has been obtained, up to the present day, shall be properly divided, as well the gold and the pearls (the shares of your most Royal Highness being put on one side) as the clothing and eatables; but up to the present time we have valued the eatables more than the gold, for we have more gold than health, and often have I searched in various directions, desiring more to find a sack of corn than a bag of gold; and I can certify the truth of this to your most Royal Highness, for we have been more in want of food than of gold. I assure your most Royal Highness that if I had not personally gone in front of my men, searching for food for those who went with me, as well as for those that remained in this town, there would have been no one left in the town or in the land, unless our Lord had miraculously taken pity upon us. The way I have adopted in dividing the gold that has been procured, is to give a proper share to each man who has been engaged in finding it. All receive shares of the food, although some have not gone in search of it.

I desire to give an account to your most Royal Highness of the great secrets and marvellous riches of this land of which God has made your most Royal Highness the Lord, and me the discoverer

before any other, for which I give many thanks and much praise for all the days of the world, and I hold myself to be the most fortunate man that has been born in the world, seeing that our Lord has been served at my hands rather than at those of another. As so propitious a commencement has been made, I beseech your most Royal Highness that I may be permitted to complete this great enterprise, and I am bold to make this supplication to your most Royal Highness, because I know that you will thus be well served, for I venture to say that, with the help of God, and with industry, I shall be able to conduct the enterprise in such a way that your most Royal Highness will be thereby well served. But for this purpose your most Royal Highness should order that 500 or more men be presently sent from the island of Española, that, united with those already here, although we have not more than 100 fit to bear arms, I may be able to march into the interior of the land, and pass over to the other sea on the south side.

That which I, by much labour and great hardships, have had the fortune to discover, is as follows: In this province of Darien many very rich mines have been found, and there is gold in great quantities. Twenty rivers have been discovered, and thirty containing gold flow from a mountain about two leagues from this town, towards the south. This mountain is towards the west, and between the town and the mountain no gold bearing rivers have been seen, but I believe they exist. Following the course of the great river of San Juan for thirty leagues on the right hand side, one arrives at a province called Abanumaqué, which contains much gold. I have certain intelligence that there are very rich rivers of gold in this province, from a son of a Cacique,[1] and from other Indian men and women whom I have taken. Thirty leagues up this great river, on the left hand, a very large and beautiful stream flows into it, and two days' journey up this stream there is a Cacique called Davaive. He is a very great lord with a large and very populous land. He has great store of gold in his house, so much indeed that he who does not know the things of this land would be very hard of belief. I know this of a certainty. All the gold that goes forth from this gulf comes from the house of the cacique Davaive, as well as all that is owned by the caciques of those districts, and it is reported that they have many pieces of gold curiously worked, and very large. Many Indians who have seen them, tell me that this

[1] The term "cacique" means the chief of a native tribe.

cacique Davaive has certain bags of gold, and that it takes the whole strength of a man to lift one of them on to his back.

The cacique collects the gold, and this is the manner of his obtaining it.

Two days' journey from his house there is a very beautiful country inhabited by a very evil Carib race, who eat as many men as they can get. They are a people without a chief, and there is no one whom they obey. They are warlike, and each man is his own master. They are lords of the mines, and these mines, according to the news I have heard, are the richest in the world. They are in a land where there is a mountain which appears to be the largest in the world, and I believe that so large a mountain has never before been seen. It rises up on the Uraba side of this gulf, somewhat inland, it may be twenty leagues from the sea. The way to it is in a southerly direction. At first the land is flat, but it gradually rises, and at last it is so high that it is covered with clouds. During two years we have only twice seen its summit, because it is continually obscured by clouds. Up to a certain point it is covered with a forest of great trees, and higher up the mountain has no trees whatever. It rises in the most beautiful and level country in the world, near the territory of this cacique Davaive. The very rich mines are in this land towards the rising of the sun, and it is two days' journey from the rich mines to the abode of this cacique Davaive.

There are two methods of collecting the gold without any trouble. One is by waiting until the river rises in the ravines, and when the freshes pass off, the beds remain dry, and the gold is laid bare, which has been robbed from the mountains and brought down in very large lumps. The Indians describe them as being the size of oranges or of a fist, and others like flat slabs. The other way of gathering gold is by waiting until the plants on the hills are dry, which are set on fire, and when they are consumed the Indians go to search in the most likely places, and collect great quantities of very beautiful grains of gold. The Indians who gather this gold, bring it in grains to be melted, and barter it with this cacique Davaive, in exchange for youths and boys to eat, and for women to serve them as wives, whom they do not eat. He gives them also many pigs, as well as fish, cotton cloth, and salt, and such worked pieces of gold as they want. These Indians only trade with the cacique Davaive and with no one else.

This cacique Davaive has a great place for melting gold in his house, and he has a hundred men continually working at the gold. I

know all this of a certainty, for I have never received any other account, in whatever direction I may have gone. I have heard it from many caciques and Indians, as well from natives of the territory of this cacique Davaive, as from those of other parts, so that I believe it to be true, because I have heard it in many forms, obtaining the information from some by torments, from others for love, and from others in exchange for things of Castile. I also have certain information that, after ascending this river of San Juan for fifty leagues there are very rich mines on both sides of the river. The river is navigated in the small canoes of the Indians, because there are many narrow and winding mouths overhung with trees, and these cannot be passed except in canoes three or four *palmos* in breadth. After the river is entered ships may be built of eight or more *palmos*, which may be rowed with twenty oars, like *fastas*, but the river has a very strong current, which even the Indian canoes can hardly stem. When it is blowing fresh the vessels may make sail, assisted by the oars in turning some of the windings.

The people who wander along the upper course of this great river are evil and warlike. It is necessary to be very cunning in dealing with them. I have news of many other things, but I will not declare them until I know them more fully, believing that I shall discover them with the help of God.

That which is to be found down this coast to the westward is the province called Careta, which is twenty leagues distant. There are certain rivers in it which contain gold, according to Indian men and women who are in this town. The Spaniards have not gone there, in order not to rouse the country until we have more men, for we are now few in number. Further down the coast, at a distance of forty leagues from this city, and twelve leagues inland, there is a cacique named Comogre, and another named Pocorosa; who are at equal distances from the sea. They have many wars with each other. They each have a town inland, and another on the sea-coast, by which the interior is supplied with fish. The Indians assured me that there were very rich rivers of gold near the houses of these caciques. At the distance of a day's journey from the cacique Pocorosa's house there are the most beautiful mountains that have been seen in these parts. They are clear of forests, except some groves of trees along the banks of mountain streams.

In these mountains there are certain caciques who have great quantities of gold in their houses. It is said that these caciques store their gold in *barbacoas* like maize, because it is so abundant that they do not care to keep it in baskets; that all the rivers of these mountains contain gold; and that they have very large lumps in great abundance. Their method of collecting the gold is by going into the water, and gathering it in their baskets. They also scrape it up in the beds of streams, when they are dry; and that your most Royal Highness may be more completely informed concerning these parts, I send an Indian workman of that district who has collected it many times. Your most Royal Highness must not hold this subject as one for a jest, for I am in truth well assured of it by many principal Indians and caciques. I, sire, have myself been very near these mountains, within a day's journey, but I did not reach them, because I was unable to do so, owing to the want of men; for a man gets as far as he can, not as far as he wishes. Beyond these mountains the country is very flat towards the south, and the Indians say that the other sea is at a distance of three days' journey. All the caciques and Indians of the country of Comogre tell me that there is such great store of gold collected in lumps, in the houses of the caciques of the other sea, that we should be astonished. They declare that there is much gold in very large grains in all the rivers of the other coast, and that the Indians of the other sea come to the residence of this cacique Comogre by a river, and bring gold from the mines to be melted, in very large round grains, and in great quantity. In exchange for the gold they get cotton cloth and good looking Indian men and women. They do not eat them like the people towards the great river. They say that the people of the other coast are very good and well mannered; and I am told that the other sea is very good for canoe navigation, for that it is always smooth, and never rough like the sea on this side, according to the Indians. I believe that there are many islands in that sea. They say that there are many large pearls, and that the caciques have baskets of them, as well as the Indian men and women generally. The river which flows from the territory of the cacique Comogre to the other sea, forms itself into three branches, each one of which enters the other sea by itself. They say that the pearls are brought to the cacique Comogre in canoes by the western branch. The canoes with gold from all parts enter by the eastern branch. It is a most astonish-

ing thing and without equal, that our Lord has made you the lord of this land. It should not be forgotten that your most Royal Highness will be served by sending me reinforcements; when I will, if our Lord favours me, discover things so grand, and places where so much gold and such wealth may be had, that a great part of the world might be conquered with it. I assure your most Royal Highness that I have worked with more diligence for the service of your most Royal Highness than the governors who were lost here, Alonzo de Ojeda and Diego de Nicuesa; for I have not remained in my bed while my people were entering and exploring the country. I must let your most Royal Highness know that no party has gone into any part of this land unless I was in front as a guide opening the road with my own hands, for those who went with me. If this is not believed, I refer to what I have sent home, and to the fruits which each one of those who have laboured here has yielded.

As one who has seen the things of these parts, and who has more knowledge of the land than anyone else has hitherto acquired, and because I desire that the affairs of these regions which I have originated, may flourish and reach such a position as to be of service to your most Royal Highness; I must make known what is necessary to be done and to be provided at once, and until the land is known and explored. The chief requirement is that a thousand men should come from the island of Española, for those who might come direct from Castile would not be fit for much until they were accustomed to the country, for they would be lost, and us who are now here with them. Your most Royal Highness will please to order that, for the present, this colony be supplied with provisions at the hands of your most Royal Highness, that the land may be explored and its secrets made known. And thus two things will be effected; one that much money will be gained in the markets, and the other and principal one that, the land being supplied with provisions, great things and vast riches may be discovered, by the help of God. It is also necessary to provide the means of building small ships for the rivers, and to send pitch, nails, ropes, and sails, with some master shipwrights who understand ship-building. Your most Royal Highness should also send two hundred cross-bows with very strong stays and fittings, and with long ranges. They should not weigh more than two pounds; and money would thus be saved, because each man in this place ought to have one or

two cross-bows, as they are very good arms against the Indians, and useful in the chase of birds and other game. Two dozen very good hand-guns, of light metal, are also required; for those made of iron are soon damaged by the constant damp, and are eaten away with rust. They should not weigh more than from twenty-five to thirty pounds, and they should not be long, so that a man may be able to carry one of them wherever it may be necessary. Very good powder is also wanted.

For the present, it is necessary that as large a reinforcement of troops as possible should be sent to the province of Darien, because it is a land very full of hostile tribes. There should also be a force at the mines of Tubanama, in the province of Comogre, because it is also a very populous region. At present, most puissant lord, the troops cannot build with lime and stone, nor with mud, but are obliged to make double palisades of very strong wood, with mud between them, surrounded by a good strong ditch. And those who tell your most Royal Highness that forts may be built of stone and lime, or of other material, have not seen the quality of the land. What I would urge, most puissant lord, is that people should come, so that the land may be explored from these two stations of Davaive and Comogre, and that the secrets of it may be known, as well as those of the sea on the other side towards the south, and all other matters. Your most Royal Highness should also send workmen to look after the cross-bows, for every day they get out of order, owing to the constant damp. In all the matters which I have named, your most Royal Highness would gain money, and it would cost nothing beyond the order to send people here.

Those Indians, in certain of the provinces, who eat men, and others at the bottom of the gulf of Uraba and in the extensive flooded parts near the great river of San Juan and round the gulf, at the entrance of the flat country of the province of Davaive, have no workshops, nor do they support themselves on anything but fish, which they exchange for maize. These are worthless people, and when canoes of Christians have gone on the great river of San Juan, they have come against them, and have killed some of our people. The country where the Indians eat men is very bad and useless, and can never at any time be turned to account. But these Indians of Caribana have richly deserved death a thousand times over, for they are a very evil race,

and have killed many of our Christians when we lost the ship. I would not make slaves of so bad a people, but would order them to be destroyed, both old and young, that no memory may remain of them. I speak now of Caribana and for twenty leagues inland, the people being evil, and the country sterile and worthless. And it will be serviceable to your Highness to give permission to take these natives to Española and the other islands occupied by Christians, to be sold and made profitable, that other slaves may be bought for their price; for it is impossible to keep them even for a day, the country being very extensive, where they can run away and hide. Thus the settlers in these parts, not having Indians secured, cannot work for the service of your Highness, nor extract any gold from the mines. The settlers would also beseech your Highness to grant them permission to bring Indians from Veragua, from a gulf called San Blas, which is fifty leagues from this town, down the coast. Your Highness will be well served in granting this request, because it is a very worthless land, covered with great swamps and forests, and, seen from the sea, it appears to be inundated. So that no profit whatever can be made out of these Indians of Veragua and Caribana, except in this way, by bringing them to Christian settlements, whence they can be taken to Cuba, Jamaica, and other islands inhabited by Christians, to be exchanged for other Indians, of which there are many in those islands. Thus by sending the warlike Indians far from their homes, the natives of these parts will labour well in the islands, and those of the islands here. I must inform your Highness that permission to take the Indians of the islands to the main land would be very conducive to your service, and I must make known to your Highness that, for a distance of two hundred leagues round this town there is no inhabited island, except one in Carthagena, where the people defend themselves well.

As regards the gold that is collected from the Indians by barter or during war, it will conduce to your service to give permission that henceforth a fifth may be given to your Highness of all that may be obtained; and the reason why this will conduce to the service of your Highness is that, the share being a fourth, it is looked upon as hard service to discover land and to march in war through great hardships, for in truth they are so great as to be intolerable. The men prefer to seek for gold, and there are very good mines near here, rather than to go and die. And if I, or the governor who may succeed me, have to

make the Christians go inland on expeditions of discovery, they will never go willingly, and a thing done against the will is never so well done as it should be; while, when it is done willingly, all will be done well and according to our desire. I, therefore, assure your Highness that if the Royal share of gold is a fifth, it will be collected in much larger quantity than when it is a fourth, besides which the country will be discovered according to your Highness's desire.

With respect to the arms and the means of building brigantines, and the shipwrights, these are important points, because without them no good work can be done. If your Highness should order them to be sent, it would be entirely at the cost of the settlers in these parts, without any expense to your Highness; and if your Highness would command that everything should be supplied which I have asked for, it would be a great advantage, and the land would be provided with all that is necessary. Your Highness should receive all this from me as your loyal servant, and should give it credence because your Highness's service will thus be advanced. I do not desire to make towers of wind like the governors whom your Highness sent out, for between them both they have lost eight hundred men, and those whom I have rescued scarcely amount to fifty, and this is the truth. Your Highness will consider all that I have done, and discovered, and endured with these people, without any help but from God and my own industry.

If I have erred in anything in working for the service of your Highness, I beseech your Highness that my earnest desire to serve your Highness may be considered. Although, most puissant Lord, I have not succeeded in doing all that is necessary in this land, I can certify that I know how to administer better than all those who have come here hitherto: and that your Highness may understand this, you must consider how little other governors have discovered until to-day, and how they have all failed, and left these shores very full of graves, while, although many Christians may lie underground, it is true that most of those that have died have been eaten by dogs and crows. I do not desire to enlarge upon this, but your Highness should know what each man has been able to do and has done up to this time.

Most puissant Lord, — I have sent Sebastian del Campo, that your Highness may be better informed of all that has passed here; and I entreat your Highness to give him full credence, for he has been informed by me of the whole truth concerning all that can be

done in the service of your Highness, and of that which ought to be done for this land.

Your Highness must know that formerly there were certain disagreements here, because the alcaldes and regidores of this town, filled with envy and treachery, attempted to seize me, and when they failed in that, they made false charges against me with false witnesses and in secret. I complain of this to your Highness, because if such acts are not chastised, no governor whom your Highness may send here will be free from attacks. For I, being alcalde mayor for your Highness, have been exposed to a thousand slanders; and if the representative of your Highness is not respected, he cannot do what is necessary for your service. And because the alcaldes and regidores sent an accusation against me, which I believe your Highness will see; I appointed two gentlemen as my judges, that they might draw up a report of my life, and of the great and loyal services which I have done for your Highness in those parts of the Indies where we now are; which I send to your Highness, that you may see the malice of these people, and because I believe that your Highness will be pleased with all that I have done in these parts for your service. I beseech your Highness that favour may be shown me in proportion to my services. I also send a report of what passed with respect to those who invented these calumnies.

Most puissant Lord, I desire to ask a favour of your Highness, for I have done much in your service. It is that your Highness will command that no bachelor of laws nor of anything else, unless it be of medicine, shall come to this part of the Indies on pain of heavy punishment which your Highness shall order to be inflicted, for no bachelor has ever come here who is not a devil, and who does not lead the life of devils. And not only are they themselves evil, but they give rise to a thousand law-suits and quarrels. This order would be greatly to the advantage of your Highness's service, for the country is new. Most puissant Lord, in a brigantine that we sent from here, on board of which was Juan de Quizedo and Rodrigo de Colmenares, I forwarded to your Highness 500 *pesos* of gold from the mines, in very beautiful grains, and as the voyage is somewhat dangerous for small vessels, I now send to your Highness, by Sebastian del Campo, 370 *pesos* of gold from the mines. I would have sent more if it had not been for the impossibility of collecting it during the short time the

vessels were here. With respect to all that I have said, I beseech your Highness to do that which is best for your service. May the life and royal estate of your Highness prosper by the addition of many more kingdoms and lordships to your sacred rule, and may all that is discovered in these parts increase the power of your Highness, as your most Royal Highness may desire; for there are greater riches here than in any other part of the world. From the town of Santa Maria del Antigua, in the province of Darien, in the gulf of Uraba, to-day this Thursday the 20th of January in the year 1513. The making and creation of your Highness, who kisses your most royal hands and feet, Vasco Nuñez de Balboa.

17. Contract of Charles I of Spain with Ruy Falero and Fernão de Magalhães[1]

[March 22, 1518. Emma Helen Blair and James Alexander Robertson,[2] *The Philippine Islands*, I, 280–285.]

The contract between the king of Spain, Charles I (Charles V of the Holy Roman Empire), and Ruy Falero and Fernão de Magalhães was incorporated in the instructions to Juan de Cartagena. The latter was to accompany the expedition as inspector general of the fleet. The instrument, which did not differ materially from those which authorized expeditions of discovery and exploration under the auspices of the Spanish government, had the following tenor:

I, the King. Inasmuch as you, Fernando de Magallãins, knight, native of the kingdom of Portogal and bachelor Ruy Falero, also native of said kingdom, wish to do us signal service, binding yourselves to discover within the boundaries which pertain to and belong to us in the Ocean Sea, within the limits of our demarcation, those islands and mainlands, riches, spices, and other things with which we shall be well pleased and these our kingdoms well profited, we order herewith the following agreement to be made with you:

First: in order that you may and shall with good fortune go on a

[1] Reprinted by permission of the publishers, The Arthur H. Clark Company of Cleveland, from *The Philippine Islands, 1493–1898*. Cleveland, 1903 to 1909.

[2] Only the last name of these authors will be given hereafter in quoting from their joint work, *The Philippine Islands*.

voyage of discovery in that part of the Ocean Sea within our limits and demarcation; and as it would not be just that since you are going yourselves to perform the aforesaid, other persons should venture to do the same; and considering that you are to have the hardship of this enterprise: it is my will and pleasure (as I now promise) that, for the term of the first ten years ensuing we shall not permit any other person to go on a voyage of discovery by the same route and course that you may take; and that if anyone else should wish to undertake it and ask permission, it shall not be granted until you have been informed thereof, so that, if at the same time you should so desire, you may undertake it also, being as well prepared, equipped, and furnished with as many vessels as equally well-conditioned, equipped, and manned as those of the other persons wishing to make the said discovery. But it is to be understood that if we should wish to order or permit other persons to undertake such an enterprise by the western route, in the district of those islands, with Tierra Firme and all other places already discovered, towards the desired direction, for the purpose of seeking the strait of those seas, we may so order or permit to these others. If they should wish to start on their discoveries from Tierra Firme or from the island of Sant Miguel, and go through the southern sea, they may do so. Likewise if the governor or people who, by our mandate, are now, or may be in the future, in the said Tierra Firme, or any others of our subjects and vassals should wish to set out on a voyage of discovery in the southern sea, wherein such discovery is permitted; and if they wish to send out ships for further discoveries; then our said governor, vassals, and any other persons who, according to our pleasure, should go upon such discovery in that direction, may do so, notwithstanding the aforesaid of any section and clause whatever in this agreement. But we also desire that if you should wish to do so, you may discover by any of these said routes, provided the place be not already discovered or found.

The aforesaid discovery must be made in such manner that you do not discover or do anything to his prejudice, within the demarcation and limits of the most serene king of Portogal, my very dear and well beloved uncle and brother, but only within the limits of our demarcation.

And acknowledging your wish to serve us which has moved you to undertake the said discovery; the service which we shall receive therefrom; and the benefit of our royal crown — as a remuneration

for the labor and danger which you will have to undergo, it is our will and pleasure, and our desire in all the islands and mainlands that you may discover, to grant you — as we do in this present — that of all the profit and gain from all the lands and islands you may so discover, both rents and rights, and whatever else accrues to us in any way, you shall have and take the twentieth part (after first deducting all expenses which may be involved); also you shall have title as our *adelantados* and governors of said lands and islands, you, your children, and lawful heirs forever. This shall be on condition that the supremacy of the same shall pertain to us and to the kings after us, and if your children and heirs are natives of our kingdoms and married therein; and if the said government and title of *adelantado* shall descend to your son or heir after your death. We shall have your letters and privileges to this effect sent to you in proper form.

We also grant you grace and give you license and power, so that each year hereafter you may take and send, and you shall send, either in our vessels or in any others that you may prefer, to said islands and lands that you shall discover, as above, the value of one thousand ducats first cost. This is to be employed at your risk, and in the place and manner you may deem best. And you can sell this there and use it as you shall decide and desire. You shall bring the returns thereof to these kingdoms, paying us as our rights the twentieth part thereof, without being obliged to pay any other taxes whatsoever, those usually imposed or those which may be newly levied. It is to be understood, however, that this is to be after the return from the first voyage, not during the same.

Moreover, it is our will and pleasure that if the islands, which you shall discover in this manner, exceed six in number, having first chosen six [for us], you may assign to yourselves two of those that remain. Of these you shall have and take the fifteenth part of all the profit and gain of rent and rights pertaining to us, left clear, over and above the expenses involved.

Yten: We wish and it is our will and pleasure that, considering the expenses and labors involved by you on said voyage, to grant you grace — as we do by this present — that at the return of this first fleet and for this once you shall have and take the fifth part of whatever pertains to us in the things that you bring from those regions, which remains clear, over and above the expenses involved in the said

fleet. In order that you may accomplish the aforesaid better, and that the necessary caution may be observed, I shall order five ships to be armed for you, two of one hundred and thirty tons, two of ninety and one of sixty tons, all to be sufficiently manned, provisioned, and armed. It should be known that said ships shall be provisioned for two years and shall have two hundred and thirty-four persons to manage them, counting masters, mariners, deck hands and all others necessary, according to the memorandum of the same. This we shall order to be put into effect immediately by our officials of the India House of Trade who reside in the city of Sevilla.

Because it is our will and pleasure that the aforesaid should be kept and complied with in every respect, we desire that, if, in the prosecution of the aforesaid, either of you should die, the contents of this present instrument shall be observed and fulfilled by the remaining one, and as faithfully as it must be kept, should both live. Furthermore, in order that there may be justice and a good account of the aforesaid, and the suitable caution as regards our estates, we are to appoint, and we shall appoint a treasurer, accountant, and clerks for said ships, who shall keep and record the account and calculation of every thing, and before [whom shall pass] and be delivered every thing acquired by the said fleet.

This I promise you and I pledge on my royal faith and word that I will order it kept and observed in every particular, according to the contents herewith. I order this present instrument given, signed with my name. Given at Valladolid, March twenty-two, one thousand five hundred and eighteen. I, the King. By command of the King: Francisco de los Covos.

18. Letter from the King of Castile to the King Don Manuel of Portugal[1]

[Barcelona, February 28, 1519. Blair and Robertson, *The Philippine Islands*, I, 277, 279.]

The expedition of Magalhães and Falero, authorized by the Spanish crown, was of no small concern to Portugal. In order to prevent any misunderstanding and possible ill feeling be-

[1] Reprinted by permission of the publishers, The Arthur H. Clark Company of Cleveland, from *The Philippine Islands, 1493–1898*. Cleveland, 1903 to 1909.

tween the two countries, Charles I wrote the following letter to Manuel I the Great, the king of that country. Assurances were given that the contemplated expedition would in no way encroach upon the rights of the Portuguese.

Most Serene and very excellent King and Prince and very dear and beloved brother and uncle: I received your letter of the twelfth of February and I was extremely pleased to learn concerning the state of your health and that of the most serene queen, your wife, my very dear and much loved sister; and especially was I gratified to hear of the pleasure you take in her company, of which her serene highness likewise wrote me. So I have always wished it, and, besides fulfilling what you owe your royal character, you do me therein very great pleasure, for I love the most serene queen, my sister, so much, that my love for her far exceeds that which is due her from me. I pray you affectionately always to inform me concerning your health and hers, and I will always let you hear as to mine. And now with regard to what is further to be said, I have been informed by letters which I have received from persons near you that you entertain some fear that the fleet which we are dispatching to the Indies, under command of Hernando Magallanes and Ruy Falero, might be prejudicial to what pertains to you in those parts of the Indies. We believe that, in spite of the fact that certain persons desire to imbue you with such an idea, you are assured of our good will and deed in all matters affecting you, which are such as love, duty, and reason demand. Nevertheless, in order that your mind may be freed of anxiety, I thought it best to write to you to inform you that our wish has always been, and is, duly to respect everything concerning the line of demarcation which was settled and agreed upon with the Catholic king and queen my sovereigns and grandparents (may they rest in glory); and that the said fleet will not in any way enter a district so that your rights would be at all injured; and not only do we desire this but would even wish to give over to you that which belongs to and is held by us. And our first charge and order to the said commanders is to respect the line of demarcation and not to touch in any way, under heavy penalties, any regions of either lands or seas which were assigned to and belong to you by the line of demarcation; and that they will keep and fulfil this injunction I beg you to entertain no doubt. Most Serene and very

excellent King and Prince, our very dear and well beloved brother and uncle, may our Lord have you in his special keeping and recommendation. Barcelona xxviij February dxjx. I, the King; Covos, secretary.

[*Superscription:* "Most Serene and very excellent King, [pr]ince of portugal [our][1] very dear and well [belov]ed[1] brother and uncle."]

19. Account of Magellan's Voyage around the World[2]

[1524. James Alexander Robertson, *Magellan's Voyage Around the World by Antonio Pigafetta.*]

Fernão de Magalhães, more generally known by the name of Ferdinand Magellan, began his famous expedition on September 20, 1519. His fleet was composed of the *San Antonio*, the *Trinidad*, the *Concepción*, the *Victoria*, and the *Santiago*. "It was far from easy," declared Bourne, "to get together the crews, and when the list was finally made up it was singularly cosmopolitan. In this great world-voyage nearly all the sea-faring peoples were represented: besides the Spaniards and Portuguese, there were Basques, 'Genoese, Sicilians, French, Flemings, Germans, Greeks, Neapolitans, Corfiotes, Negroes, and Malays'; one Englishman, Master Andrew of Bristol; natives of the Azores, Madeira, and Canary Islands; and at least two of American birth and partly of American blood. The total equipment numbered about two hundred and seventy men. On board were several young men who went to see the world, among whom, fortunately for posterity, was the Italian Antonio Pigafetta, whose journal of his experiences and observations is our best history of the expedition."[3]

The *Victoria*, the only ship left of the Magellan expedition, under command of Sebastián del Cano, who had assumed command on the death of the commander in chief on the island of Matan, arrived at San Lucar on September 7, 1522. The financial returns of the voyage were, to quote Bourne again,

[1] The original is defective here, and these readings are conjectural.

[2] Reprinted by permission of the publishers, The Arthur H. Clark Company of Cleveland, from *Magellan's Voyage Around the World by Antonio Pigafetta.* Cleveland, 1906. [3] *Spain in America*, 120–121.

"such as to tempt other voyages, for the cargo of spices brought by the little *Victoria*, consisting principally of twenty-six tons of cloves, exceeded in value the total net cost of the expedition."[1]

On Monday morning, August x, St. Lawrence's Day, in the year abovesaid,[2] the fleet, having been supplied with all the things necessary to the sea, (and counting those of every nationality, we were two hundred and thirty-seven men), made ready to leave the harbor of Siviglia.[3] . . . From Siviglia to this point [*i.e.*, San Lucar], it is 17 or 20 leguas by river. Some days after, the captain-general, with his other captains, descended the river in the small boats belonging to their ships. We remained there for a considerable number of days in order to finish [providing] the fleet with some things that it needed. Every day we went ashore to hear mass in a village called Nostra Dona de Baremeda [our Lady of Barrameda], near San Lucar. Before the departure, the captain-general wished all the men to confess, and would not allow any woman to sail in the fleet for the best of considerations.

We left that village, by name San Lucar, on Tuesday, September xx of the same year, and took a southwest course. On the 26th of the said month, we reached an island of the Great Canaria, called Teneriphe, which lies in a latitude of 28 degrees, [landing there] in order to get flesh, water, and wood.

. . . . . .

Then going to fifty-two degrees toward the same pole, we found a strait on the day [feast of the] eleven thousand virgins [*i.e.*, October 21], whose head is called Capo de le Undici Millia Vergine [*i.e.*, cape of the Eleven Thousand Virgins] because of that very great miracle. That strait is one hundred and ten leguas or 440 millas long, and it is one-half legua broad, more or less.[4] It leads to another sea called the Pacific Sea, and is surrounded by very lofty mountains laden with snow. There it was impossible to find bottom [for anchoring], but [it was necessary to fasten] the moorings on land 25 or 30 brazas away. Had it not been for the captain-general, we would not have found that strait, for we all thought and said that it was closed on all sides. But

[1] *Spain in America*, 129–130.
[2] The year 1519.
[3] Robertson, *Magellan's Voyage Around the World by Antonio Pigafetta*, I, 31.
[4] *Ibid.*, I, 65, 67, 69, 71, 73.

the captain-general who knew where to sail to find a well-hidden strait, which he saw depicted on a map in the treasury of the king of Portugal, which was made by that excellent man, Martin de Boemia, sent two ships, the "Santo Anthonio" and the "Conceptione" (for thus they were called), to discover what was inside the cape de la Baia [*i.e.*, of the Bay]. We, with the other two ships, [namely], the flagship, called "Trinitade," and the other the "Victoria," stayed inside the bay to await them. A great storm struck us that night, which lasted until the middle of next day, which necessitated our lifting anchor, and letting ourselves drift hither and thither about the bay. The other two ships suffered a headwind and could not double a cape formed by the bay almost at its end, as they were trying to return to join us; so that they thought that they would have to run aground. But on approaching the end of the bay, and thinking that they were lost, they saw a small opening which did not [exceed: *crossed out in original MS.*] appear to be an opening, but a sharp turn [*cantone*]. Like desperate men they hauled into it, and thus they discovered the strait by chance. Seeing that it was not a sharp turn, but a strait with land, they proceeded farther, and found a bay. And then farther on they found another strait and another bay larger than the first two. Very joyful they immediately turned back to inform the captain-general. We thought that they had been wrecked, first, by reason of the violent storm, and second, because two days had passed and they had not appeared, and also because a certain [signals with] smoke made by two of their men who had been sent ashore to advise us. And so, while in suspense, we saw the two ships with sails full and banners flying to the wind, coming toward us. When they neared us in this manner, they suddenly discharged a number of mortars, and burst into cheers. Then all together thanking God and the Virgin Mary, we went to seek [the strait] farther on.

After entering that strait, we found two openings, one to the southeast, and the other to the southwest. The captain-general sent the ship "Sancto Anthonio" together with the "Concitione" to ascertain whether that opening which was toward the southeast had an exit into the Pacific Sea. The ship "Sancto Anthonio" would not await the "Conceptione," because it intended to flee and return to Spagnia — which it did. The pilot of that ship was one Stefan Gomes, and he hated the captain-general exceedingly, because before that fleet was

fitted out, the emperor had ordered that he be given some caravels with which to discover lands, but his Majesty did not give them to him because of the coming of the captain-general. On that account he conspired with certain Spaniards, and next night they captured the captain of their ship, a cousin of the captain-general, one Alvaro de Meschita, whom they wounded and put in irons, and in this condition took to Spagnia. The other giant whom we had captured was in that ship, but he died when the heat came on. The "Conceptione," as it could not follow that ship, waited for it, sailing about hither and thither. The "Sancto Anthonio" turned back at night and fled along the same [port: *crossed out in original MS.*] strait. We had gone to explore the other opening toward the southwest. Finding, however, the same [port: *crossed out in original MS.*] strait continuously, we came upon a river which we called the river Sardine [*i.e.*, Sardines], because there were many sardines near it. So we stayed there for four days in order to await the two ships. During that period we sent a well-equipped boat to explore the cape of the other sea. The men returned within three days, and reported that they had seen the cape and the open sea. The captain-general wept for joy, and called that cape, Cape Dezeado [*i.e.*, Desire], for we had been desiring it for a long time. We turned back to look for the two ships, but we found only the "Conceptione." Upon asking them where the other one was, Johan Seranno, who was captain and pilot of the former ship (and also of that ship that had been wrecked) replied that he did not know, and that he had never seen it after it had entered the opening. We sought it in all parts of the strait, as far as that opening whence it had fled, and the captain-general sent the ship "Victoria" back to the entrance of the strait to ascertain whether the ship was there. Orders were given them, if they did not find it, to plant a banner on the summit of some small hill with a letter in an earthen pot buried in the earth near the banner, so that if the banner were seen the letter might be found, and the ship might learn the course that we were sailing. For this was the arrangement made between us in case that we went astray one from the other. Two banners were planted with their letters — one on a little eminence in the first bay, and the other in an islet in the third bay where there were many sea-wolves and large birds. The captain-general waited for the ship with his other ship near the river of Isleo, and he had a cross set up in an islet near that river, which

flowed between high mountains covered with snow and emptied into the sea near the river of Sardine. Had we not discovered that strait, the captain-general had determined to go as far as seventy-five degrees toward the Antarctic Pole. There in that latitude, during the summer season, there is no night, or if there is any night it is but short, and so in the winter with the day. In order that your most illustrious Lordship may believe it, when we were in that strait, the nights were only three hours long, and it was then the month of October. The land on the left-hand side of that strait turned toward the southeast and was low. We called that strait the strait of Patagonia. One finds the safest of ports every half legua in it, water, the finest wood (but not of cedar), fish, sardines, and missiglioni, while smallage, a sweet herb (although there is also some that is bitter) grows around the springs. We ate of it for many days as we had nothing else. I believe that there is not a more beautiful strait in the world than that one. . . .

. . . . . .

Wednesday,[1] November 28, 1520, we debouched from that strait, engulfing ourselves in the Pacific Sea. We were three months and twenty days without getting any kind of fresh food. We ate biscuit, which was no longer biscuit, but powder of biscuits swarming with worms, for they had eaten the good. It stank strongly of the urine of rats. We drank yellow water that had been putrid for many days. We also ate some ox hides that covered the top of the mainyard to prevent the yard from chafing the shrouds, and which had become exceedingly hard because of the sun, rain, and wind. We left them in the sea for four or five days, and then placed them for a few moments on top of the embers, and so ate them; and often we ate sawdust from boards. Rats were sold for one-half ducado apiece, and even then we could not get them. But above all the other misfortunes the following was the worst. The gums of both the lower and upper teeth of some of our men swelled, so that they could not eat under any circumstances and therefore died. Nineteen men died from that sickness, and the giant together with an Indian from the country of Verzin. Twenty-five or thirty men fell sick [during that time], in the arms, legs, or in another place, so that but few remained well. However, I, by the grace of God, suffered no sickness. We sailed about four thousand leguas during those three months and twenty days through an open

[1] Robertson, *Magellan's Voyage Around the World*, I, 83, 85.

stretch in that Pacific Sea. In truth it is very pacific, for during that time we did not suffer any storm. We saw no land except two desert islets, where we found nothing but birds and trees, for which we called them the Ysolle Infortunate [*i.e.*, the Unfortunate Isles]. They are two hundred leguas apart. We found no anchorage, [but] near them saw many sharks. The first islet lies fifteen degrees of south latitude, and the other nine. Daily we made runs of fifty, sixty, or seventy leguas at the catena or at the stern. Had not God and His blessed mother given us so good weather we would all have died of hunger in that exceeding vast sea. Of a verity I believe no such voyage will ever be made [again].

When we left that strait, if we had sailed continuously westward we would have circumnavigated the world without finding other land than the cape of the xi thousand Virgins. The latter is a cape of that strait at the Ocean Sea, straight east and west with Cape Deseado of the Pacific Sea. Both of these capes lie in a latitude of exactly fifty-two degrees toward the Antarctic Pole.

. . . . . .

During[1] those days we sailed west northwest, northwest by west, and northwest, until we reached the equinoctial line at the distance of one hundred and twenty-two degrees from the line of demarcation. The line of demarcation is thirty degrees from the meridian, and the meridian is three degrees eastward from Capo Verde. We passed while on that course, a short distance from two exceedingly rich islands, one in twenty degrees of the latitude of the Antarctic Pole, by name Cipangu, and the other in fifteen degrees, by name Sumbdit Pradit. After we had passed the equinoctial line we sailed west northwest, and west by north, and then for two hundred leguas toward the west, changing our course to west by south until we reached thirteen degrees toward the Arctic Pole in order that we might approach nearer to the land of cape Gaticara. That cape (with the pardon of cosmographers, for they have not seen it), is not found where it is imagined to be, but to the north in twelve degrees or thereabouts.

. . . . . .

On Friday,[2] April twenty-six, Zula, a chief of the island of Matan, sent one of his sons to present two goats to the captain-general, and

[1] Robertson, *Magellan's Voyage Around the World*, I, 89, 91, 93.
[2] *Ibid.*, I, 171, 173, 175, 177, 179.

to say that he would send him all that he had promised, but that he had not been able to send it to him because of the other chief Cilalulapu, who refused to obey the king of Spagnia.[1] He requested the captain to send him only one boatload of men on the next night, so that they might help him and fight against the other chief. The captain-general decided to go thither with three boatloads. We begged him repeatedly not to go, but he, like a good shepherd, refused to abandon his flock. At midnight, sixty men of us set out armed with corselets and helmets, together with the Christian king, the prince, some of the chief men, and twenty or thirty balanguais. We reached Matan three hours before dawn. The captain did not wish to fight then, but sent a message to the natives by the Moro to the effect that if they would obey the king of Spagnia, recognize the Christian king as their sovereign, and pay us our tribute, he would be their friend; but that if they wished otherwise, they should wait to see how our lances wounded. They replied that if we had lances they had lances of bamboo and stakes hardened with fire. [They asked us] not to proceed to attack them at once, but to wait until morning, so that they might have more men. They said that in order to induce us to go in search of them; for they had dug certain pitholes between the houses in order that we might fall into them. When morning came forty-nine of us leaped into the water up to our thighs, and walked through water for more than two crossbow flights before we could reach the shore. The boats could not approach nearer because of certain rocks in the water. The other eleven men remained behind to guard the boats. When we reached land, those men had formed in three divisions to the number of more than one thousand five hundred persons. When they saw us, they charged down upon us with exceeding loud cries, two divisions on our flanks and the other on our front. When the captain saw that, he formed us into two divisions, and thus did we begin to fight. The musketeers and crossbowmen shot from a distance for about a half-hour, but uselessly; for the shots only passed through the shields which were made of thin wood and the arms [of the bearers]. The captain cried to them, "Cease firing! cease firing!" but his order was not at all heeded. When the natives saw that we were shooting our muskets to no purpose, crying out they determined to stand firm, but they redoubled their shouts. When our muskets

[1] That is, Spain.

were discharged, the natives would never stand still, but leaped hither and thither, covering themselves with their shields. They shot so many arrows at us and hurled so many bamboo spears (some of them tipped with iron) at the captain-general, besides pointed stakes hardened with fire, stones, and mud, that we could scarcely defend ourselves. Seeing that, the captain-general sent some men to burn their houses in order to terrify them. When they saw their houses burning, they were roused to greater fury. Two of the men were killed near the houses, while we burned twenty or thirty houses. So many of them charged down upon us that they shot the captain through the right leg with a poisoned arrow. On that account, he ordered us to retire slowly, but the men took to flight, except six or eight of us who remained with the captain. The natives shot only at our legs, for the latter were bare; and so many were the spears and stones that they hurled at us, that we could offer no resistance. The mortars in the boats could not aid us as they were too far away. So we continued to retire for more than a good crossbow flight from the shore always fighting up to our knees in the water. The natives continued to pursue us, and picking up the same spear four or six times, hurled it at us again and again. Recognizing the captain, so many turned upon him that they knocked his helmet off his head twice, but he stood firmly like a good knight, together with some others. Thus did we fight for more than one hour, refusing to retire farther. An Indian hurled a bamboo spear into the captain's face, but the latter immediately killed him with his lance, which he left in the Indian's body. Then, trying to lay hand on sword, he could draw it out but halfway, because he had been wounded in the arm with a bamboo spear. When the natives saw that, they all hurled themselves upon him. One of them wounded him on the left leg with a large cutlass, which resembles a scimitar, only being larger. That caused the captain to fall face downward, when immediately they rushed upon him with iron and bamboo spears and with their cutlasses, until they killed our mirror, our light, our comfort, and our true guide. When they wounded him, he turned back many times to see whether we were all in the boats. Thereupon, beholding him dead, we, wounded, retreated, as best we could, to the boats, which were already pulling off. The Christian king would have aided us, but the captain charged him before we landed, not to leave his balanghai, but to stay to see how we fought. When the king learned that the cap-

tain was dead, he wept. Had it not been for that unfortunate captain, not a single one of us would have been saved in the boats, for while he was fighting the others retired to the boats. I hope through [the efforts of] your most illustrious Lordship that the fame of so noble a captain will not become effaced in our times. Among the many virtues which he possessed, he was more constant than ever any one else in the greatest of adversity. He endured hunger better than all the others, and more accurately than any man in the world did he understand sea charts and navigation. And that this was the truth was seen openly, for no other had had so much natural talent nor the boldness to learn how to circumnavigate the world, as he had almost done. That battle was fought on Saturday, April twenty-seven, 1521. The captain desired to fight on Saturday, because it was the day especially holy to him. Eight of our men were killed with him in that battle, and four Indians, who had become Christians and who had come afterward to aid us were killed by the mortars of the boats. Of the enemy, only fifteen were killed, while many of us were wounded.

In the afternoon the Christian king sent a message with our consent to the people of Matan, to the effect that if they would give us the captain and the other men that had been killed, we would give them as much merchandise as they wished. They answered that they would not give up such a man, as we imagined [they would do], and that they would not give him for all the riches in the world, but that they intended to keep him as a memorial.

. . . . . .

On Tuesday night as it drew near Wednesday, February eleven, 1522, we left the island of Timor and took to the great open sea called Laut Chidol.[1] Laying our course toward the west southwest, we left the island of Zamatra, formerly called Traprobana, to the north on our right hand, for fear of the king of Portoghala; . . . In order that we might double the cape of Bonna Speranza [*i.e.*, "Good Hope"], we descended to forty-two degrees on the side of the Antarctic Pole. We were nine weeks near that cape with our sails hauled down because we had the west and northwest winds on our bow quarter and because of a most furious storm. That cape lies in a latitude of thirty-four and one-half degrees, and is one thousand six hundred leguas from the cape of Malaca. It is the largest and most dangerous cape in the

[1] Robertson, *Magellan's Voyage Around the World*, II, 181, 183, 185, 189.

world. Some of our men, both sick and well, wished to go to a Portuguese settlement called Mozanbich, because the ship was leaking badly, because of the severe cold, and especially because we had no other food than rice and water; for as we had no salt, our provisions of meat had putrefied. Some of the others however, more desirous of their honor than of their own life, determined to go to Spagnia living or dead. Finally by God's help, we doubled that cape on May six at a distance of five leguas. Had we not approached so closely, we could never have doubled it. Then we sailed northwest for two months continually without taking on any fresh food or water [*refrigerio*]. Twenty-one men died during that short time. When we cast them into the sea, the Christians went to the bottom face upward, while the Indians always went down face downward. Had not God given us good weather we would all have perished of hunger. Finally, constrained by our great extremity, we went to the islands of Capo Verde. Wednesday, July nine, we reached one of those islands called Sancto Jacobo, and immediately sent the boat ashore for food, with the story for the Portuguese that we had lost our foremast under the equinoctial line (although we had lost it upon the cape of Bonna Speranza), and when we were restepping it, our captain-general had gone to Spagnia with the other two ships. With those good words and with our merchandise, we got two boatloads of rice. We charged our men when they went ashore in the boat to ask what day it was, and they told us that it was Thursday with the Portuguese. We were greatly surprised for it was Wednesday with us, and we could not see how we had made a mistake; for as I had always kept well, I had set down every day without any interruption. However, as was told us later, it was no error, but as the voyage had been made continually toward the west and we had returned to the same place as does the sun, we had made that gain of twenty-four hours, as is clearly seen. The boat having returned to the shore again for rice, thirteen men and the boat were detained, because one of them, as we learned afterward in Spagnia, told the Portuguese that our captain was dead, as well as others, and that we were not going to Spagnia. Fearing lest we also be taken prisoners by certain caravels, we hastily departed. On Saturday, September six, 1522, we entered the bay of San Lucar with only eighteen men and the majority of them sick, all that were left of the sixty men who left Malucho. Some died of hunger; some

deserted at the island of Timor; and some were put to death for crimes. From the time we left that bay [of San Lucar] until the present day [of our return], we had sailed fourteen thousand four hundred and sixty leguas, and furthermore had completed the circumnavigation of the world from east to west. On Monday, September eight, we cast anchor near the quay of Seviglia, and discharged all our artillery. Tuesday, we all went in shirts and barefoot, each holding a candle, to visit the shrine of Santa Maria de la Victoria [*i.e.*, "St. Mary of Victory"], and that of Santa Maria de l'Antiqua [*i.e.*, "St. Mary of Antiquity"].

Leaving Seviglia, I went to Vagliadolit [*i.e.*, Valladolid], where I presented to his sacred Majesty, Don Carlo, neither gold nor silver, but things very highly esteemed by such a sovereign. Among other things I gave him a book, written by my hand, concerning all the matters that had occurred from day to day during our voyage. I left there as best I could and went to Portagalo where I spoke with King Johanni of what I had seen. Passing through Spagnia, I went to Fransa where I made a gift of certain things from the other hemisphere to the mother of the most Christian king, Don Francisco, Madame the regent. Then I came to Italia, where I established my permanent abode, and devoted my poor labors to the famous and most illustrious lord, Philipo de Villers Lisleadam, the most worthy grand master of Rhodi.

The Cavalier

ANTONIO PAGAPHETTA.

20. THE RESIDENCIA OF CORTÉS

[Tenochtitlán, September 3, 1526. Don Pascual de Gayangos, *The Fifth Letter of Hernan Cortes to the Emperor Charles V, Containing an Account of his Expedition to Honduras.* Hakluyt Society Publications (1868), XL, 134–146. Reprinted by permission of the Council of the Hakluyt Society of London.]

The manuscript of the *Carta quinta de relación*, or the Fifth Letter, of Cortés was found in the Imperial Library of Vienna. This letter, unlike the second, third, and fourth letters, was not printed during the lifetime of the writer. It was not published in an English translation until the Hakluyt Society produced the work by Don Pascual de Gayangos in 1868. The

following excerpts are taken from that edition and contain an account of the *residencia* of Cortés by Ponce de León. The untimely death of the *juez de residencia,* Ponce de León, prevented him from completing the inquiry. Cortés also gave an account of his conduct while in New Spain.[1]

Two days before my departure from the monastery, a messenger came from Medellin, announcing the arrival at the port of that town of certain vessels; and it was rumoured that in one of them there came, by your Majesty's command, a judge of inquiry.[2] My informers added that they could not tell me what the orders and instructions of the said magistrate could be. I immediately thought that your Catholic Majesty, knowing full well the disturbances, riots, and disasters caused in this country by the very officers whom I left to command in my name, and not being informed of my return, had naturally sent the said magistrate to inquire into the cause of such evils. God knows how much pleased I was to think that such might be the cause of his coming here, for it would have been exceedingly painful for me to be a judge in such matters; because, injured and illtreated as I had been, and my property destroyed by these tyrants, it seemed to me that any sentence of mine, however mild and just, might be reckoned by the evil-inclined as partial and dictated by passion, a thing of all others which I most detest; though, from what I have shown in all the acts of my life, it seems to me that I could never have been so severe as their criminal deeds required. I, therefore, despatched in all haste a messenger to that port of Medellin, to know whether my surmise was true, ordering the lieutenant and alcaldes of the place to receive and honour the said magistrate and his retainers, whatever his commission might be; and, since he came in your Majesty's name, to have him properly lodged and entertained at a house which I had in the place, giving him and his people anything they might want. This, however, as I afterwards learned, he would not accept.

On the day after the departure of my messenger, which happened to be the festival of Saint John, as I was witnessing bull-fights, joustings

[1] The most recent translation of the letters of Cortés is by F. A. MacNutt in two volumes, entitled *The Letters of Cortés.* Published by G. P. Putnam's Sons, 1908.

[2] The monastery of St. Francis, where he wrote: "I stayed six days at the convent and with the friars, until I had confessed all my sins, after which I went to my residence in the city."

with reeds, and other games suited to the occasion, another messenger arrived from Medellin, bringing me a letter from the said magistrate, and another one from your sacred Majesty, by which I understood the object of his coming, and how your catholic Majesty had sent him to make inquiries into my acts during the time that I have been governing this country. Great was my satisfaction at hearing that your Majesty so deigned to look into my merits or deserts, and I also felt very grateful at the benevolent terms in which your Highness announced your royal intention and readiness to remunerate my small services. For both these favours I kiss one hundred thousand times your catholic Majesty's royal feet, and may God, our Lord, permit that I repay with my blood some portion of the mercies so conferred upon me, and that your Majesty may be persuaded of my sincerity in expressing such a wish, for this alone would be sufficient reward for all my services.

In the letter which the magistrate himself, whose name was Luis Ponce, wrote to me, I was informed that he was on the point of leaving for this city, and as there are two principal roads leading to it, and he did not state which of them he intended to follow, I sent to each of them servants of my household to wait upon him, and show him the way. The said Luis Ponce, however, travelled in such haste, that although my orders were executed with all possible dispatch, my people met him twenty leagues from this city, and, although he received my messengers, as I am told, with due courtesy, and was glad to see them, he would not accept their services. At this I was sorry, because, owing to his quick travelling, he well needed the assistance that was offered to him, as I have afterwards been informed; but, on the other hand, I was glad, because the refusal seemed to come from an honest and upright magistrate, about to enter upon office and power, and who, coming to enquire into the acts of my administration, was unwilling, by accepting my offers of service, to bring suspicion on himself. He arrived one evening two leagues from this city, and passed the night there, and after that I had prepared everything for his reception the next morning, sent me word not to come out to him, as he intended to dine where he had slept, but to send him a chaplain to say a mass to him, which I did. Suspecting that he did all this to avoid any public reception, I was on my guard, but he came so early in the morning, that, although I was quick enough in the saddle, with my people, I

met him in the centre of the city, whence we rode together to the monastery of Saint Francis, and heard our mass. This being done, I said to him that if he was pleased to present there the royal instructions, of which he was the bearer, he could do so, as all the members of the municipal corporation, as well as the treasurer, master-accountant, and other of your Majesty's officers, were there with me; but he would not, saying that on the next day he would exhibit them in due form. And so he did, for on the morning after, when we were all congregated together in the cathedral — the dean and chapter being present also — he, the said Luis Ponce, exhibited the royal instructions, which I and all those who assisted at the ceremony, held in our hands, took to our lips, and placed on our heads, as is customary in such cases, promising to obey and execute the prescriptions therein contained, as coming from our legitimate master and natural lord. All the regidors then put down their wands, and resigned their offices, all the other ceremonies being complied with, as your Majesty will see by the official acts drawn on the occasion by the municipal notary. This being done, the object of Luis Ponce's commission was publicly announced through the city, and read in the market square by the public crier, purporting that he was sent by your sacred Majesty to inquire into the acts of my administration.

I was seventeen days at Mexico without being asked a single question respecting my conduct as governor, during which time the said Luis Ponce, the magistrate and judge of inquiry, was taken with illness, he, and almost every one of those who came in that fleet; and the disease increasing, it was God's pleasure that he should die of it, together with upwards of thirty individuals, who had accompanied him from Spain. In that number were two Dominican friars who also came with him, and, moreover, at the date of my writing, there are still many people labouring under the same distemper, and in great danger of death; for the disease they brought with them in that fleet has proved almost equal to pestilence, having since attacked some inhabitants of this city, two of whom died with the same symptoms, whilst there are still many who have not yet recovered entirely.

After Luis Ponce's death, his burial and funeral being performed with the solemnity and honours due to a person of his importance, and who had come on your Majesty's errand, I was earnestly requested by the municipal corporation of this city, as well as by all the deputies of

towns, who happened to be present, again to take into my hands the government of this country, in the same manner and with the same authority that I had held it on a former occasion. This they begged me to do in your Majesty's name, expounding various reasons why I ought to do it, and showing the inconveniences and evils that might result from my non-acceptance, as your sacred Majesty will see by the copy of their petition and other papers which accompany this. I answered them in the negative, as will also appear from the said copies, excusing myself for various motives; but they insisted and renewed their petitions more strongly than ever, showing the great evils that might ensue, if I did not grant their request. I still held good, and have since firmly maintained the same purpose, though I imagine that there may be reasons why I ought to accede to their demands. But, wishing above all things that your Majesty should be convinced of my purity and fidelity towards the royal service, this being the chief aim of all my actions, and knowing that without your Majesty's esteem, all the good things of this world are nothing to me, and that I would rather not live in it, — I have always put aside any consideration that might tempt my acceptance; and not only have I done this, but have maintained with all my force in his office a certain licentiate, called Marcos de Aguilar, whom the said Luis Ponce brought with him from Spain as his alcalde mayor (chief justice), and I have also requested and entreated him to prosecute the inquiry into my acts to the end. This the said licentiate has refused to do, alleging that he has not sufficient powers for it; at which I am exceedingly sorry, for there is nothing in this world I desire so much — and that not without some reason — as to have your Majesty properly informed of my virtues and sins, if I have committed any, sure as I am that when your Majesty has taken full cognizance of my acts, I cannot fail to be amply remunerated, not indeed on account of my past services, small as they are, but because your Majesty is bound to be munificent towards one who, like me, has served you so well and with so much fidelity.

I, therefore, humbly beseech your Majesty, with all the earnestness of which I am capable, that this matter of the inquiry to be instituted into my acts, should not remain in suspense, and, as it were, under the veil of simulation, but, on the contrary, that all the good or bad part of my actions should be proclaimed and made public; because this

being for me a point of honour to obtain which I have gone through so many trials, and exposed my person to so many dangers, God forbid that the foul tongues of envious and wicked people, should make me lose that which I most prize in the world. I, therefore, again entreat your Majesty not to consent that such a thing should take place; I ask for no other mercy in payment of my services, nor do I care to live without.

In my opinion, most catholic Majesty, since the time I entered into these transactions, I always have had many powerful rivals and enemies; yet, however strong their iniquity and malice, they have never been sufficiently strong to darken the notoriety of my services, and my constant fidelity. Seeing, however, that they could not effectually injure my reputation, those enemies of mine have sought two ways, by which, as it would appear, they have thrown a sort of mist before the eyes of your Majesty, and caused your Majesty to deviate from the catholic and holy purpose — always acknowledged by your Majesty — of remunerating my services. One of these ways is to accuse me of the crime of *lèse-majesté*, pretending that I do not obey your Majesty's royal commands, and hold not this newly conquered land in the royal name, but under my tyrannical sway, giving as a proof of their calumnies various false and diabolical reasons, entirely the inventions of their depraved minds. Yet were the said wicked people to look truly into my acts, and to be made impartial judges of my conduct, they could not do less than proclaim the very reverse of what their foul tongues have spread against me; for until this present day there has never been, nor shall be in future, any letter or command of your Majesty that has not been punctually obeyed and faithfully executed to the letter.

At this very moment the iniquity and malice of those who have thus calumniated me have become more manifest than ever; because had things been as they report, I should certainly not have gone six hundred leagues from this city, through uninhabited districts and over dangerous roads, leaving the government of the country in the hands of those among your Majesty's officers whom I considered most zealous in the royal service — though their deeds did not certainly correspond to the idea and estimation I had of them.

The other way which these people have found of attacking my reputation is to say that the greater part of the natives of this country

are my slaves, and that I treat them as such, and profit by their service and their work, by means of which I have amassed a large sum of money, in gold and silver, which I hoard up; that I have spent without necessity more than sixty thousand ounces of gold out of your Majesty's revenue, and have not remitted to Spain as much gold as was due to the royal treasury, keeping and retaining it with me under specious pretences and for purposes which I cannot accomplish. I really believe that such rumours about me being current, the said wicked individuals have not failed to give them a certain specious colouring, though it cannot be such as to give them the appearance of truth, and I trust that the slightest approach of the touchstone will be sufficient to discover the falsity of the metal.

As to their saying that I possess a large portion of the land, I own that this is true, and I have likewise had for my share a good sum and quantity of gold; but I maintain that all I have received has been insufficient to relieve me from misery and poverty, being at the moment I write in debt for upwards of five hundred ounces of gold, without possessing one single dollar towards it; because, if the yieldings have been considerable, the expenses have been greater, having consumed very large sums, not indeed in buying lands, or founding entails, or acquiring any sort of property for myself and heirs, but in extending and enlarging your Highness's patrimonial rights in these parts through the conquest and acquisition of so many kingdoms and empires, achieved at my own peril and risk, and with infinite trouble and danger of my person. This part, however, of my services their foul and viperous tongues shall never touch or impair; for only by looking at my account-books it will be found that upwards of 300,000 ounces of gold have been spent out of my own fortune in such conquests and acquisitions. It is true that when that resource was exhausted, and I had no more money of my own to spend, I availed myself of the sixty thousand gold ounces belonging to your Majesty, not indeed for my own personal use, for they never passed through my hands, but to be paid on my warrants for the cost and expenses of these latter conquests. Whether the said monies have been rightly spent or not, it is not for me to say, the facts being patent and known to every one.

As to what the said calumniators say about my not having sent to your Majesty the rents and produce of this country, I scarcely need

show how false the accusation is, for I maintain — and it is a fact — that during the few years that have elapsed since I first set my foot in this country, more treasure has been remitted to Spain from it than from all the islands and Tierra Firme put together, though discovered and peopled more than thirty years ago at great cost and expense to the Catholic kings, your predecessors. Your Majesty, however, has had no disbursements to make with regard to this my conquest; for not only have I sent to Spain whatever sums were due to the royal treasury, but I have on many occasions presented your Majesty with what was really my own, and so have most of the people who serve under my orders. So when I first wrote to your Majesty giving the news of my landing, and sent along with the letter Alonso Hernandez Portocarrero, and Francisco de Montejo, not only did I offer to your Majesty the fifth of the spoil made on that occasion, but I delivered also what rightly belonged to me and my companions, considering it was but just that your Majesty should have the first-fruits of this conquest. When this city of Mexico was taken the first time, the Emperor Mutezcuma being still alive, your Majesty received thirty thousand castellanos of gold, as your fifth of what was then obtained and made into ingots; and although the jewels and other valuable things were to be divided also, so that every one of us should have his share in the spoil, we were all of us, my men as well as myself, of opinion that there ought to be no division whatever, and that the whole of such spoils, amounting in value to five hundred castellanos of gold, should be forthwith sent to your Majesty. True it is that everything, money and jewels, was lost when the people of this city rose in arms against us, and expelled us from it, owing to Narvaez's landing, but that mishap, if deserved through my sins, was certainly not owing to any negligence on my part. When, however, this city was taken for the second time, and its territory completely reduced under your Majesty's sway, the same course was followed. Of the gold that was smelted one fifth was put aside for the imperial treasury, and besides I persuaded my men to give up their share in the jewels and other valuable objects, amounting to a sum no less considerable than the one set out on the previous occasion. All these things, gold as well as jewels, in the shortest possible space of time, were by me entrusted to the care of Julian Alderete, then your Majesty's treasurer in these parts, as well as thirty-three thousand ounces of gold in ingots; but the whole of this treasure was

taken by the French at sea. It was neither my fault, but the fault of those who did not fit out in time a sufficient naval force to send to the Azores for the protection of so important a remittance.

About the time of my starting on my latter expedition to the gulf of Las Hibueras, sixty thousand ounces of gold were sent to your Majesty's treasury, the bearers being Diego de Ocampo and Francisco Montejo; and if a greater sum was not then sent, it was merely owing to the orders issued in your Majesty's Council of the Indies respecting the gold to be sent from these parts to Spain, it being my private opinion and that of your Majesty's officers also, that in remitting so large an amount of gold we somewhat exceeded ourselves, and contravened the laws promulgated on the subject. Knowing, however, the stress in which your Majesty was at the time for want of money, we determined on making the said remittance, and I for my part sent to your Majesty every thing I had in the world, including a field piece entirely made of silver, which cost me in metal, working, and other expenses, upwards of thirty-five thousand ounces of gold. This I sent by a servant of mine, Diego de Soto by name, as well as certain Indian ornaments, jewels, and gems, which, independently of their value, were dear to me as memorials of the conquest; but as the French took possession of those sent in the first instance, and I was grieved to hear that your Majesty had not cast your eyes on them, I sent every thing I possessed of the kind, not reserving even one single gold ounce, that your Majesty might see a specimen, however trifling, of the workmanship and civilisation of these Indians. It being, therefore, quite proved that my intentions have always been to serve your Majesty with pure zeal and unbounded submission, and to present with due humility everything of mine, I cannot see how I can be accused of having defrauded your Majesty of your rights and monies. I have likewise been told that during my absence the officers entrusted with the government of this country have occasionally sent sums of money to Spain, so that, in truth, whenever there has been an opportunity, remittances from these distant regions have never failed.

I have, in a similar manner, been informed, most powerful lord, that some of my enemies have written to your Majesty about the profits I derive from the provinces allotted to me, pretending that I have an income of two hundred millions. To show the absurdity of such computation, and in order to prove to your Majesty my readiness for the

royal service, and the truth of my assertions — a thing of all others which has been the constant aim of my life — I consent to make over to your Majesty the enormous rents which, according to report, I am said to possess. There can be no better opportunity for me to convince your Majesty of the truth and purity of my intentions, and therefore, from this moment, I do transfer to the royal treasury the whole of the above specified income. I hope to gain by so doing, especially as it may be the means of expelling any suspicion lurking in the royal mind, of which the people of this country seem to be publicly aware. I, therefore, humbly beseech your Majesty to accept the offer of everything I possess on this continent, and make me instead a donation of twenty millions in Spain. In this manner your Majesty will keep the remaining one hundred and eighty millions, and I shall live contented at the Imperial court, where, I presume, no one will surpass me in fidelity and devotion, or dare to shadow my services to the crown. Even as regards the affairs of this country, I fancy that I can be, whilst at court, of much use to your Majesty, because as an eye-witness, and one who knows the country well, I shall advise that which is most convenient for the royal interests, and prevent the councillors being deceived by false reports or representations from this country. And I can assure your Majesty that it will be no inconsiderable service that I shall render by coming into the royal presence, and advising of what is to be provided for the preservation and keeping of this conquered land, and for the conversion of the natives to our Catholic faith, and for the increase of your Majesty's revenue in these parts; for I have no doubt that by so doing it will go on increasing and not diminishing, as it has been the case in the islands and in Tierra Firme, for lack of good administration, and the Catholic kings, father and grandfather of your Majesty, not being properly counseled, but following the advice of persons who for their own particular interest misrepresented the state of things, as have done all those who have sent reports from these countries. What is the use, I ask, to conquer those extensive territories, and keep them until now, at such an expense and notwithstanding so many obstacles and difficulties, if what good was found in them is not properly fostered and increased?

Two things make me wish in particular that your Majesty should be good enough to call me to the royal presence. One, and the principal of the two, is in order to convince your Majesty and the world at large

of my loyalty and fidelity to the imperial service, it being the thing which I most prize of all the advantages that might accrue to me in this world; for if I have exposed my person to so many fatigues and dangers, and have undergone such hardships, it was merely to gain the name of servant of your Majesty and of the imperial crown, and not for sheer covetousness and desire of treasure. Indeed, had I been inspired by such a sentiment, I should not have lavished and thrown away those I possessed — no inconsiderable allowance, indeed, for a poor gentleman like me — to forward that which I hold as my principal aim and object. My sins, however, have no doubt been the cause of my not obtaining that favour which I so much covet, nor do I believe that, placed as I am now in your Majesty's estimation, I really could vindicate my conduct and escape the shafts of my calumniators, unless the immense favour which I am now asking, should be granted to me.

From fear, however, that your Majesty may imagine that I ask too much, in order that my proposition be rejected — though the sum is hardly sufficient for my decent maintenance at court — I will be contented with ten millions of yearly revenue. This would enable me to appear without shame in your Majesty's presence, after having held in these parts the reins of government in the royal name, having so effectually and considerably increased the patrimonial estates and dominions of your Majesty, placing under the imperial sway so many provinces covered with important towns and noble cities; rooting up and destroying so many idolatries, which were a daily offence to our God and Creator; bringing most of the inhabitants to the knowledge of our true catholic faith, and so implanting the same in this land, that, if there be no impediment on the part of those who think ill of these matters, and direct their attention and their zeal to other ends, it may be reasonably expected that within a very short time a new church shall be raised in these parts, where God, our Lord, will be better served and more honoured than in any other church of this world.

I again declare that, if your Majesty be pleased to order that ten millions should be consigned to me annually in those realms, and that, this being granted, I may come to your Majesty's presence and serve at court, I will consider it as a great favour, even leaving behind everything I here possess; for in so doing, my most sanguine hopes shall be

realised, and the wish of all my life, which is to serve at the imperial court and under the eyes of your Majesty, where my loyalty and fidelity may become manifest.

The other reason which I have for wishing to come to your Majesty's presence, is this, that I may then be able to give such information respecting the state of this country, and even of the adjacent islands, as will tend to the better service of God, our Lord, and of your catholic Majesty; because I shall then be believed on such matters; whereas treating them from here, my enemies are sure to say that I write under the influence of passion, and am moved only by my own personal interest, and not out of zeal for your Majesty's service, and as your faithful vassal. Such is my desire of kissing your Majesty's royal feet, and to serve at the imperial court, that I could not well describe it if I attempted, and therefore should your Majesty not be pleased to grant this, my humble request, or deem it inopportune to allot me the said yearly income for my maintenance at court, I beg and entreat that your Majesty will allow me to retain what I already possess in this country; or what my agents at court will ask for in my name, making it a perpetual pension for me and my heirs, so that I may not arrive in your Majesty's kingdom begging the people's alms. I shall consider it a great boon if your Majesty will send me permission to repair to those countries, and accomplish my said wish, for I trust in your Majesty's catholic conscience, that my services being made patent, as well as my pure intentions, your Majesty will not consent that I live in poverty.

I must add that the arrival of this judge of enquiry seemed to me a very good opportunity, and ample cause at the same time for the accomplishment of my said wish; and that I even began to make preparations for my journey, and would have departed had it not been for two reasons: one was my being at the time without money to spend on the way, my house in this city having been pillaged and robbed of all its contents; the other was my being afraid that during my absence from this country the natives might revolt, and the Spaniards get into quarrels, of both of which the experience of the past has made me apprehensive and cautious.

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21. The Conquest of New Spain

[1568. Bernal Díaz del Castillo, *A True History of the Conquest of New Spain.* Edited by Robert Kerr in *A General History and Collection of Voyages and Travels,* III, IV. Published by William Blackwood of Edinburgh, 1812.]

Bernal Díaz del Castillo (1492–*ca.* 1581), a member of the Cortesian expedition in New Spain, began his work, *A True History of the Conquest of New Spain,* as a protest against the written accounts of the conquest. It was directed more especially against the written narratives of Paulo Giovio, Francisco López de Gómara, and Gonzalo de Illescas. He felt that their *Chronicles* had given too much attention to Hernán Cortés and too little to other officers and to the men of the ranks. The *True History* began with the year 1514 (the year of the arrival of the author in the Indies) and ended with that of 1568. The manuscript has always been kept in Guatemala City. The first edition of the manuscript was published in 1632 at Madrid. From that time on it was universally accepted, according to Genario García, the famous Mexican authority, as the most complete and trustworthy of the chronicles of the conquest of New Spain. Many editions have been published since that time, but it was not until Genario García made his critical study of it that a scientific one was made and published. This edition appeared in three volumes in Mexico City in 1904. It had been translated into English, German, French, and Hungarian before 1900. In 1908 the Hakluyt Society brought out in its Second Series, XXIII, XXIV, XXV, and XXX, a translation of the *True History* as published by Genario García. The translation was made by Alfred Percival Maudslay. "The character of Bernal Díaz," declared Maudslay, "shows clearly enough in his story. It is that of a lovable old soldier such as novelists have delighted to portray in Napoleon's 'Old Guard,' simple, enduring, splendidly courageous and unaffectedly vain." [1]

[1] *A True History of the Conquest of New Spain.* Hakluyt Society Publications, Second Series, XXIII. Introduction, lxi.

THE ORGANIZATION OF THE EXPEDITION TO MEXICO[1]

Anxious to prosecute the advantages derivable from the discoveries made by Grijalva, Velasquez used the utmost efforts in providing a new and more powerful armament. For this purpose, he collected ten ships at the port of St Jago, four of which had been on the former expedition, and supplied them with such provisions as could be procured in that place, intending to complete their equipment at the Havanna. Velasquez was greatly at a loss in his choice of a commander for the new expedition, and several were recommended to him for this purpose. Among these was Vasco Procalla, a gentleman of high rank, and related to the Conde de Feria; but the governor was afraid to trust a person of his bold character, lest he might revolt, as had been already done by several dependent leaders of expeditions. In this state of uncertainty, several relations of the governor were talked of as candidates for the office, such as Augustin Vermudez, Antonio Velasquez Borrego, and Bernardino Velasquez, but of their chances, or the reasons of their rejection, we were not informed. All the soldiers, however, were disposed to have Grijalva for their chief. While matters were in this state of uncertainty, Andres de Duero, who was secretary to the governor, and Amador de Lares, the royal *contador* in Cuba, entered into a private agreement with Hernando Cortes to recommend him to Velasquez for the command of the intended expedition. Cortes was a respectable gentleman of good birth, a native of Medelin in Estremadura, the son of Martin Cortes de Monroy, by Catalina Pizarro de Altamirano, who were both *hidalgos* of the best families in the province, though poor, and had acquired a considerable property in the island of Cuba, where he had been twice raised to the office of alcalde. He had lately married Donna Catalina Suarez de Pacheco, the daughter of Diego Suares de Pacheco of Merida, by Maria de Mercaida of Biscay; through which marriage he had experienced much trouble, having been frequently confined by order of Velasquez. The two officers before mentioned, who enjoyed the intimate confidence of the governor, made an agreement with Cortes to procure the appointment for him, for which they were to receive an equal division of the treasure procured from the expedition out of his share, as the commission was

[1] Robert Kerr, *A General History and Collection of Voyages and Travels*, III, 454–460.

intended to extend no farther than the procurement of gold by barter, without any power of settlement or colonization. For this purpose they took every opportunity of praising Cortes to Velasquez, and vouching for his fidelity, so that they at length succeeded in procuring the appointment for him; and as it belonged to the secretary to draw it out in due form, we may be sure that its conditions were sufficiently favourable.

On this appointment being communicated to the public, it gave satisfaction to some, but greatly displeased others, who used every endeavour to communicate their dissatisfaction to the governor, particularly by the following device: When the governor was going on a Sunday to mass, accompanied by the most respectable people of the town and neighbourhood, he placed Cortes on his right hand, on purpose to shew respect to the person he had chosen for an expedition of such high importance. There was at this time one Cervantes at St Jago, a kind of buffoon, generally called mad Cervantes, who used to assume great liberty of speech under pretence of idiocy. This man ran before the governor all the road to church, shouting out many absurdities, saying among others, "Huzza for my master Don Diego, who will soon lose his fleet, and huzza for his new captain;" besides many similar expressions, all having a tendency to awaken suspicion in Velasquez. Andrew de Duero, who was present, beat him and ordered him to be silent, but he persisted so much the more, saying, "I will dismiss my old master, and follow the fortune of Cortes." This man was certainly hired by the relations of Velasquez, who wished the appointment for some of themselves, that they might instil jealousy into the mind of the governor, but all to no purpose; yet all that was now uttered under the semblance of folly, turned out true in the end.

Immediately on receiving his commission, Cortes used the utmost activity in preparing for the expedition; and though already much embarrassed with debts, through his own extravagance and the expensive dress and establishment of his wife, he procured the advance of 4000 crowns in money and as much in goods, on the security of his estate, from Jeronymo Tria and Pedro de Xeres, two merchants, who considered him as rising in the world, and a favourite of fortune. He now dressed and appeared in greater state than formerly, wearing a plume of feathers and a gold medal in his cap, and erected a standard of velvet embroidered with gold before his house, embellished with the

royal arms and a cross, and with a Latin motto to this effect: "*Brothers, follow the cross in faith; for under its guidance we shall conquer.*"

Though Benito Martinez had not yet returned from Castile with the royal commission, it was proclaimed by sound of trumpet and beat of drum, that all who entered for the present expedition should have their share in what gold might be procured, and should have ample grants of land as soon as the intended conquest was effected. In consequence of these promises, and by the influence of Cortes, volunteers quickly offered themselves from every quarter. So great was the enthusiasm to engage in the expedition, that people were everywhere eager to sell their lands to enable them to purchase horses and arms. In every quarter people were seen busy in preparing quilted-cotton armour, making bread, and salting pork for sea stores. Above 300 volunteers assembled at St Jago, among whom I was, and several of the principal persons belonging to the family of the governor entered into our fraternity; among these were Diego de Ordas, his first major domo, who was employed as a spy on the actions of Cortes, of whom Velasquez already entertained jealousy. The other companions of our expedition from the household of the governor were F. de Morla, Escobar, Heredia, Ruano, Escudero, and Ramos de Lares, besides many other adherents of the governor.

Knowing that Cortes was much dissatisfied with Velasquez on account of certain circumstances respecting his marriage, and greatly envying his good fortune in being chosen to command the expedition, the relations of Velasquez continued to exert their utmost efforts to get the commission revoked. But Cortes, who was well aware of all their practices, continued carefully to make his court to the governor, appearing entirely devoted to his service. He was likewise informed by Duero that the governor began to hesitate respecting his appointment, owing to the importunate representations of his relations, and was advised to exert every possible exertion in completing his preparations. He left in charge therefore, the care of providing many things that were necessary for the expedition, to his lady, with directions to have them forwarded; and having summoned all the captains, masters, pilots, and soldiers to embark, he went to take his leave of the governor, accompanied by his friends Duero and Lares. After a long confidential conference, the governor and general parted with much politeness, and the strongest assurances of mutual friendship. Next morning the

governor accompanied him to his ship, and we set sail immediately for Trinidad, where we arrived in a few days. This place was at that time inhabited by several opulent and respectable gentlemen, who received us all with much hospitality, but were particularly attentive to our general. He planted the royal standard in front of his quarters at this town, and made a proclamation, inviting volunteers to join the expedition, in consequence of which, several wealthy persons of respectable families now joined, among whom were the Alvarados and Alonzo de Avila. We were here joined also by Alonzo Hernandez de Portocarrero, cousin to the Conde de Medelin, Juan Velasquez de Leon, a relation to the governor, Rodrigo Rangel, Gonzalo Lopez de Ximena, and his brother Juan Lopez. These gentlemen joined us in a body, and were received by a discharge of artillery, and every mark of joy and respect, as due to their rank and respectability. We procured a supply of provisions from the estates of these volunteers, and the number of our companions increased daily, but horses were scarce and dear. Cortes sold some of his golden ornaments to enable him to buy a horse for his friend Portocarrero, who had not the means of procuring one for himself. About this time likewise Juan Sedeno arrived from Santi Spiritus with a cargo of provisions, and Cortes bought both ship and cargo upon credit, the owner enrolling himself for the expedition.

The relations of Velasquez still continued to use their influence to make him jealous of Cortes, and to supersede him in the command, even employing one Juan Millan, an astrologer who was reputed mad, to represent that Cortes would assuredly endeavour to be revenged for having been imprisoned by the governor. They represented his sudden departure from St Jago, as an indication of evil designs, and even began to suspect the secret association with the secretary and contador. Velasquez was at last won over by these repeated importunities, and sent two confidential persons to his brother-in-law, Francisco Verdugo, who was alcalde major of Trinidad, directing him to deprive Cortes of the command of the fleet and army, as Vasco Porcallo was appointed in his place; and he sent orders to the same purpose to Diego de Ordas, Francisco de Morla, and his other relations and confidents. But Cortes, who was secretly informed of all these proceedings by his friends Duero and Lares, exerted himself so effectually by promises and otherwise, as to bring over all on whom Velasquez relied to his own interest, and

Diego de Ordas especially, who used every argument with Verdugo to disobey the orders of the governor, representing the danger which would arise from using violence, as Cortes possessed the entire confidence of the troops. Cortes had such talents for gaining friends, that he even prevailed on Pedro Lasso to enrol himself under his command, though one of the messengers who carried the orders of Velasquez. Cortes wrote to the governor by the other messenger, giving the strongest assurances of his fidelity and attachment, and earnestly entreating him not to listen to the calumnies of his enemies, or the ridiculous predictions of the old fool Millan the astrologer. During twelve days that we remained at Trinidad, every exertion was made in preparing for our departure; and among others, all the smiths in the place were employed in making arrow-heads for our cross-bows, and Cortes engaged them all to accompany the expedition. Leaving Trinidad, the fleet was ordered to sail for the Havanna by the south course, except one ship under Juan de Escalente, which was sent by the northern course. Such of the companions as chose, were allowed to march by land for the Havanna, under the command of Alvarado, of which permission I and fifty more availed ourselves, having to pick up several volunteers who were expected to join from different settlements that lay on our route. All the ships arrived safe at the Havanna, except that in which Cortes was embarked, and we who marched by land were there seven days before we could learn what had become of our commander. We were afraid his ship had been lost among the shoals of *Los Jardines*, and it was proposed to send three ships in search of him: But there was no one to command, and factious disputes arose about the choice of a lieutenant or substitute during his absence, in which intrigues Diego de Ordas was particularly busy. At length Cortes arrived, his ship having grounded on a shoal, but fortunately near the shore, so that they got her off by lightening her of part of her cargo.

Cortes took his quarters at the Havanna in the house of Pedro Barba, who commanded there for Velasquez, erecting his standard, and beating up for volunteers. He was here joined by Francisco de Montejo, Diego de Soto, Angula, Garci Caro, Sebastian Rodriquez, Gutierrez, Rojas, not he commonly called the wealthy, a lad named Santa Clara, two brothers named Los Martinez de Frexenal, and Juan de Najara, not the deaf man of the tennis court in Mexico. These

were all men of quality, besides whom there were many others whose names I do not now remember. Diego de Ordas was sent to the governors estate at Guaniguanico, to procure a farther supply of bread and bacon, and to wait there till he received farther orders, on purpose to keep him out of the way, as Cortes knew he had shewn himself adverse to his interest while he was absent. The artillery, consisting of ten brass field-pieces and four falconets, were brought on shore to inspect and complete its equipment, and placed under the charge of four gunners, named Meza, Arbenga, Catalan, and Usagre. The cross-bows were ordered to be inspected, all their cords, nuts, and arrows to be put in complete order, and the range of each to be ascertained by shooting at a match. As cotton was to be had in plenty at this place, the soldiers provided themselves with good quilted jackets. Cortes now assumed great state in his deportment and the establishment of his household, appointing a steward, chamberlain, and major-domo. He ordered stalls and mangers to be fitted up in the ships for the horses, and stores of maize and hay to be taken on board for their use. Horses were at that time scarce and dear in Cuba, and our whole stock amounted to fifteen, besides the horse belonging to the general, which died at St Juan de Ulua.

Velasquez was exceedingly angry with Verdugo for neglecting to obey the orders he had sent him, and reproached the secretary and contador with having imposed upon him in regard to the character of the general. He now renewed his endeavours to deprive Cortes of the command, sending orders by one Garnica to Pedro Barba, to prevent the fleet from sailing, and to arrest Cortes. Garnica likewise brought letters from the governor for Ordas and Velasquez de Leon, ordering and entreating them to concur with Barba in these measures; but Ordas had been judiciously sent out of the city, and de Leon was now gained over by Cortes. All the rest of us, even Barba the lieutenant-governor of the Havanna, were entirely devoted to the interest of our general, who was fully aware of all that was intended against him, as Garnica brought letters from a friar who resided with the governor, to our chaplain de Olmedo, to which Duero and Lares sent intelligence of all the schemes of Velasquez. Barba wrote back to the governor, that Cortes was so beloved by the troops, that he durst not execute the orders he had received; being assured that any such attempt would occasion the destruction of the town, and that all the inhab-

itants would go along with Cortes. The general wrote likewise to Velasquez, restating his assurance of perfect devotion to his service, and intimated also that he meant to sail the next day.

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THE ARRIVAL OF THE SPANIARDS IN MEXICO CITY[1]

Next day, being the 8th of November, 1519, we set out on our way into the city of Mexico along the grand causeway, which is eight yards wide, and reaches in a straight line all the way from the firm land to the city of Mexico, both sides of the causeway being everywhere crowded with spectators, as were all the towers, temples, and terraces in every part of our progress, eager to behold such men and animals as had never been seen in that part of the world. A very different sentiment from curiosity occupied our minds, though everything we saw around us was calculated to excite and gratify that passion in the highest degree. Our little army did not exceed four hundred and fifty men, and we had been told at every step of our march, that we were to be put to death on our arrival in the city in which we were now about to enter. That city was everywhere surrounded by water, and approachable only by long moles and causeways interrupted in many places by cross cuts, which were only to be passed by means of bridges, the destruction or the removal of any of which would effectively prevent the possibility of retreat. In these circumstances I may frankly ask my readers, what men in the world but ourselves would have ventured on so difficult and hazardous an enterprize?

Proceeding along the causeway of Iztapalapan, we came to a place called *Xoloc*, where a smaller causeway goes off obliquely from the great one to the city of *Cojohuacan*, we were met by a numerous train of court nobles in the richest dresses, who were sent before Montezuma to compliment us on our arrival, after which Cacamatzin and the other nobles who had hitherto attended us, went to meet their sovereign, who now approached in a most magnificent litter, which was carried by four of his highest nobles.

When we came near certain towers, almost close to the city, Montezuma was lifted from his litter, and borne forwards in the arms of the lords of Tezcuto, Iztapalapan, Tacubo, and Cojohuacan, under a

[1] Kerr, *A General History and Collection of Voyages and Travels*, IV, 37–39.

splendid canopy, richly adorned with gold, precious stones hung round like fringes, and plumes of green feathers. Montezuma was dressed and adorned with great magnificence, his mantle being all covered with gold and gems, a crown of thin gold on his head, and gold buckskins on his legs ornamented with jewels. The princes who supported him were all richly dressed, but in different habits from those in which they had visited us; and several other nobles in fine dresses, went before the monarch spreading mantles on the ground to prevent his feet from touching it. Three nobles preceded the whole, each carrying a golden rod, as a signal of the presence of their great monarch. All the natives who attended Montezuma except the four princes, kept their eyes fixed on the ground, no one daring to look him in the face. On the approach of Montezuma Cortes dismounted and advanced toward him with every token of profound respect, and was welcomed by the Mexican monarch to his metropolis. Cortes then threw upon the neck of Montezuma a collar of artificial jewels called *margajitas*, being glass beads of various colors, set in gold; after which he advanced, meaning to embrace Montezuma, but the surrounding nobles prevented this, by taking him respectfully by the arms, considering this as too great familiarity. It appeared to me that on this occasion Cortes offered to yield the right hand to Montezuma, who declined this mark of respect, and placed our general on his right. Cortes then made a complimentary discourse to Montezuma, expressing his joy at having seen so great a monarch, and the great honour he had done him, by coming out to meet him, as well as by the many marks of favour he had already received. Montezuma made a gracious reply, and giving orders to the princes of Tezcuto and Cojohuacan to conduct Cortes and the rest of us to the quarters assigned to us, he returned to the city in the same state in which he had come to meet us, all the people standing close to the walls, not daring to look up; and as we followed the royal attendants, we passed on without any obstruction from the multitudes, in the streets. It was impossible to reckon the innumerable multitudes of men, women, and children which thronged everywhere the streets, on the canals, and the terraces of the house tops, during the whole of our passage through the city of Mexico. So strongly is everything I saw imprinted on my memory that it appears to me only as yesterday.[1] Glory to our Lord and Saviour Jesus

[1] This history was written in 1568.

Christ, who gave us courage to venture on so hazardous an enterprize, and preserved us amid so many dangers: And praise be to his holy name, who hath permitted me to write this true history; though not so full and satisfactory as the subject merits. Amen!

CONCLUDING OBSERVATIONS BY THE AUTHOR[1]

Let me now pause, and request my readers to consider the train of our heroic acts which I have already related. *First*, we destroyed our ships, by which we cut off all hope of retreat. *Secondly*, we entered the city of Mexico, in spite of the many alarming warnings we had received. *Thirdly*, we made Montezuma, the sovereign of that great and populous empire, a prisoner, in the midst of his own palace and capital, surrounded by numerous guards. *Fourthly*, we publickly burnt his officers in front of his palace, and put the king in irons during the execution. I now frequently revolve upon these great events in my old age, which still appear as fresh in my memory as if they had happened yesterday. I say to myself, it was not *we* who did these mighty things, but we were guided therein by the hand of God. For without his direction, how was it to be conceived that so small a number as we were, not amounting to four hundred and fifty men, should have dared to seize and put in irons, and publickly burn his officers for obeying his orders, in a city larger and more populous than Venice, and 1500 leagues from our own country.

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. . . We kept however constant guard over Montezuma, and the strictest discipline in our quarters, sleeping always in our armour, and having our horses saddled and bridled every night.[2] Without meaning it in any boast, I may say this of myself, that my armour became as easy and familiar to me as if it had been a soft down bed. And so habituated am I to this, that now in my old age, when I make the circuit of my district, I never take a bed along with me, unless attended by stranger gentlemen, when I do so merely to avoid the appearance of poverty or avarice. Yet, even when I have one, I always sleep in my clothes: neither can I rest throughout the night, but get up to contemplate the stars, walking about without cap or hat, as I used to do on guard; yet

[1] Kerr, *A General History and Collection of Voyages and Travels*, IV, 60.
[2] *Ibid.*, IV, 75–76.

thank God I never get cold, nor am I worse for this practice. This is to be a true soldier! My readers must pardon this digression, which does not proceed from vanity, but to let them know what kind of men we were, the real conquerors of Mexico.

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Having enumerated the soldiers who passed from Cuba with Cortes to the conquest of New Spain, I have to observe that we were for the most part *hidalgos*, or gentlemen, though we were not of such clear lineage as others; but, whatever may have been the dignity of our birth, we made ourselves much more illustrious by our heroic actions in the conquest of that country, at our own sole cost, without any aid or support, save that of our Lord and Saviour Jesus Christ.[1] In the ancient history of our own country, many cavaliers rose to dignity and favours by valiant and faithful services to the kings; and although they did not go into the fields as we did, without pay, many were rewarded with lands, houses, castles, dignities, and privileges, to them and to their heirs in perpetuity. Also, when his majesty Dom Jayme, won certain parts of his kingdom from the Moors, he made grants of these to the cavaliers who assisted him in the conquest, from which period their descendants derive their estates, honours, and blazons. Those who served under the Great Captain and the Prince of Orange were rewarded in like manner. I have recalled the recollection of these things, that the world may consider and determine whether we, who gained this great country by our valour, even without the knowledge of his majesty, are not as worthy of such rewards and honours as those cavaliers above-mentioned, by our good, notable, and loyal services to God, the king, and all Christendom.

I have placed myself last in the list, having been twice in this country before the coming of Cortes, and the third time along with him; and, as among those whom I have enumerated, there were many valiant captains, so I was held in no inconsiderable estimation in my day as a soldier. Besides the many battles and dangers in which I participated since I came to this country, and the distresses, by hunger, thirst, fatigue and wounds, incident to all who undertake discoveries and wars in unknown countries, I was twice in the hands of the enemy, who were carrying me off for sacrifice: But thanks and praise to God and his holy Virgin Mother, who gave me force to escape

[1] Kerr, *A General History and Collection of Voyages and Travels*, IV, 319–328.

from their grasp, that I might now relate and make manifest our heroic deeds in the conquest of this *new world*, and thereby to prevent all the honour and merit from being unjustly ascribed to our general alone. . . .

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. . . If all I have now said be insufficient, let the wise and learned read over this my true history with impartial care, and they must confess that there never were men who have gained more by their valorous atchievements for their king than we the brave conquerors, among the most valiant of whom I was considered. And I say again, I myself, who am a true conqueror, am the most ancient of all. Of the 550 soldiers who left Cuba along with Cortes, *five* only are now living in the year 1568, while I am writing this history; all the rest having been slain in the wars, or sacrificed to the accursed idols, or have died in the course of nature. Of 1300 soldiers who came with Narvaez, exclusive of mariners, not more than ten or eleven now survive. Of those who came with Garay, including the three companies which landed at St Juan de Ulua previous to his own arrival, amounting to 1200 soldiers, most were sacrificed and devoured in the province of Panuco. We five companions of Cortes who yet survive, are all very old and bowed down with infirmities, and extremely poor; having heavy charges of sons to establish, daughters to marry off, and grandchildren to maintain, with very small means to do all this. Whereas we ought to have had the best properties in the country allotted to us, in reward of our high prowess and transcendent services in that country which we conquered; not indeed to the same extent with the rewards granted to Cortes, but in just moderation in proportion to our merits. This indeed was ordered by his majesty, but interest and partiality gave away what we ought to have received to others, leaving little for the royal patrimony or to be bestowed on us. Immediately after the conquest, Cortes ought to have divided the whole country into five shares, assigning the richest and best to his majesty, out of which to reward those cavaliers who served him in his European wars; taking a share and a half to himself, and for the establishment of churches, monasteries, and municipalities; and dividing the remaining half in perpetual grants to us the true conquerors, by which we should have all been amply provided for.

Our emperor was so truly a Christian monarch, that he would willingly have granted us these favours, more especially as the conquest

cost him nothing. But we knew not then where to apply for justice, except to Cortes himself, who did in all things as he thought fit, taking care of himself, and of his friends and relations newly come from old Spain. We remained therefore with the little which had been assigned to us, till we saw Don Francisco de Montejo, who had waited on his majesty in Europe, return with the appointment of adelantado and governor of Yucutan, estates in Mexico, and other rewards. Diego de Ordas also, who went to court, obtained a commandery of St Jago, and districts in New Spain. Don Pedro de Alvarado, who likewise went to represent his services, was made adelantado and governor of Guatimala and Chiapa, commander of the order of St Jago, and obtained extensive grants of land. When therefore, we the conquerors saw that those who did not reach his majesty, or had no one to speak for them, were neglected, we transmitted a petition, by which we prayed that such lands as fell vacant might be distributed among us in perpetuities, as had been done by the first court of royal audience, of which Nuno de Guzman was president; who had been directed to make the divisions more equal, deducting in due proportions from the immoderate grants of Cortes, and that the best districts and rents should be divided among us the true conquerors, leaving the cities and great towns for his majesty. His majesty likewise ordered the vassals of Cortes to be counted, leaving no more than were specified in his patents; but I do not remember what was to have been done with the surplus. Nuno de Guzman and the judges of his tribunal were misled by advisers from making their grants perpetual, under pretence that the conquerors would cease to depend upon and respect them if independent, and that it was better to keep them under the necessity of supplicating for subsistence, and likewise to preserve to themselves the power of dividing the conquered lands to the advantage of their own interest. Guzman and his oydors indeed, constantly assigned such districts as fell vacant among the conquerors and colonists to universal satisfaction; but were superseded in consequence of their disputes with Cortes.

In 1550, when I was in Old Spain, a council was formed, consisting of Bartholemew de las Casas, bishop of Chiapa, Vasco de Quiroga, bishop of Mechoacan, and other cavaliers who had come as agents from New Spain and Peru, with some gentlemen who had come on business to court; to which council I also was called, as being the

most ancient of the conquerors of New Spain. At this time certain of the Peruvian gentlemen petitioned his majesty to cause perpetual allotments of lands to be made in that kingdom, and a similar petition was presented by Gonzalo Lopez and Alonzo de Villanueva, who had come over as agents from Mexico. His majesty was pleased to order the *rapartimiento* or distribution of lands to be referred to the council of the Indies, consisting of the Marquis de Mondejar president, with the licentiates Gutierre Velasquez, Tello de Sandoval, Gregorio Lopes de Briviesca, and the Doctor Hernan Perez de la Fuente, oydors or judges of that court, together with the members of other royal councils. At this meeting, it was proposed to make a perpetual distribution of the lands of New Spain and Peru; I am uncertain if New Granada and Popayan were to have been included. Many excellent reasons were given for this measure being adopted, but it was strenuously opposed by the members of the royal council of the Indies, together with Bishop de las Casas, Fra Rodrigo his coadjutor, and the Bishop of las Charcas, who insisted that the matter should be postponed till the return of the emperor from Vienna, when every thing should be arranged to the satisfaction of the conquerors: And thus the affair was dropped for the present.

After my return to New Spain, the conquerors then proposed to send agents to solicit his majesty for our interest exclusively, in consequence of which I was written to here in Guatimala, by Captain Andres de Tapia, Pedro Morena de Medrana, and Juan Limpias Caravajal, on the subject. I accordingly went round among the other conquerors who were settled in this city, to raise a sum by subscription for the purpose, but this project failed for want of money. At a subsequent period, our present invincible king Don Philip, was pleased to command that the conquerors and their posterity should be provided for, attending in the first instance to those who were married. But all has been of no avail.

Two learned licentiates, to whom I communicated the MS. of this history, observed that I had praised myself greatly in the battles of which I have given an account, whereas I ought to have left that to be done by others. But how is any one who was not in the wars with us to praise us as we deserve? To compare myself, a poor soldier, with the great emperor and warrior Julius Cesar, we are told by historians, that he used to write down with his own hand an account of his own

heroic deeds, not chusing to entrust that office to others, although he had many historians in his empire. It is not therefore extraordinary if I relate the battles in which I fought, that it may be known in future ages, *thus did Bernal Diaz del Castillo*; that my sons and grandsons may enjoy the fame of their ancestor, as many cavaliers and lords of vassals do the deeds and blazons of their predecessors. I shall therefore enumerate the various battles and other warlike affairs in which I have been present. At Cape Cotoche, under Cordova; at Pontonchan in a battle where half our number was slain; and in Florida where we landed to procure water. Under Juan de Grijalva, I was present in the second battle of Pontonchan. During my third voyage, under Cortes, two pitched battles at Tabasco. On our arrival in New Spain, the battle of Cingapacinga or Teoatzinco. Shortly afterwards three pitched battles with the Tlascalans. The affair of Cholula. On our entry into Mexico, I was at the seizure of Montezuma, which I do not enumerate as a warlike exploit, but on account of its great boldness. Four months afterwards, when with 276 men, Cortes defeated Narvaez who had 1300. The relief of Alvarado, when the Mexicans made incessant attacks upon us during eight days and nights, during which I reckon eight several battles, at all of which I was present, and in the course of which we lost 870 men. The battle of Obtumba or Otompan. A battle at Tepeaca. A battle at Tezcuco. Two battles, in one of which I was wounded in the throat by a lance. Two actions about the maize fields near Chalco. The rash attack on the fortresses called the Rocks of the Marquis in our expedition round the lake. The battle of Cuernavaca. Three battles at Xochimilco. During the siege of Mexico, which lasted *ninety-three* days, I find by my account that I was engaged in upwards of eighty battles and skirmishes. After the conquest, I was sent out on various expeditions to reduce Coatzacualco, Chiapa, and the Zapotecans, in which we had several engagements. In Chamula and Cuitlan, two engagements. In Teapa and Chematlan two others, in one of which I was badly wounded in the throat. I forgot to mention, that we were pursued for nine days in our flight from Mexico, and had to fight four battles before the great one at Otompan. Several actions in our expedition to Higueras and Honduras, during which in a battle at Culacotu I had a horse killed under me which cost 600 Crowns. After my return to Mexico, I went upon an expedition into the mountains against the Zapotecas and Mixtecas. I have on the

whole been present in *one hundred and nineteen* battles, engagements, and skirmishes; so that it is not wonderful if I praise myself for the many and notable services I have rendered to God, his majesty and all Christendom: And I give thanks and praise to the Lord Jesus Christ, who hath preserved me in so many dangers.

22. Contract between Francisco Pizarro, Almagro, and Luque

[Panama, March 10, 1526. William H. Prescott, *The History of the Conquest of Peru* (1874), II, 461–465. Translated by Mr. and Mrs. José R. Palomo of Ohio State University. Reprinted by permission of the publishers, the J. B. Lippincott Company, Philadelphia.]

The second expedition to Peru was made possible by the following compact. Pedrárias de Ávila, governor of Darién and the adjacent territory, who had been a party to the first expedition (that of 1524), withdrew for a money consideration from the second.

In the name of the Holy Trinity, the Father, the Son, and the Holy Ghost, three distinct Persons and only one true God, and in the name of Our Lady the Blessed Virgin, we hereby enter upon this contract.

Be it known to all men to whom these presents may come that I, Don Fernando de Luque, an ordained priest and vicar of the Holy Church of Panamá, party of the first part: and, parties of the second part, Captain Francisco Pizarro, and Diego de Almagro, all of us residents of this city of Panamá, do hereby agree to enter upon a contract, which shall be in force and valid in perpetuity, to this effect:

That, whereas we, the hereinbefore mentioned Captain Francisco Pizarro and Diego de Almagro, hold a commission from Governor Pedro Arias de Ávila to explore and subdue those lands and territories known as Perú, which lie, according to present information, beyond the Gulf and across the sea beyond; and because, in order to undertake the said journey and conquest, we have need of ships, men, and provisions and other necessaries for the acquisition of which we do not have the necessary funds; and whereas you, the said Don Fernando de Luque, agree to provide these funds in consideration of a share of the

profits of this undertaking, we agree and covenant that all three of us shall fraternally share equally in all that may be discovered, gained, and conquered; and we further agree to colonize the said lands and territories of Perú.

And whereas you, the said Don Fernando de Luque, have, as your contribution to this enterprise, given us and otherwise placed at our disposal for defraying the expenses of the fleet and contingents necessary for the said journey and conquest of the said kingdom of Perú 20,000 pesos in bars of gold (450 *maravedis* per *peso*), which said bars of gold we receive herewith, having passed from your possession into ours in the presence of the notary, maker of this instrument, who weighed the bars and verified the amount; and I, Hernando del Castillo, do hereby testify that I witnessed the weighing of the said 20,000 pesos in bars of gold which were accepted in my presence by the said Captain Francisco Pizarro and Diego de Almagro, do pledge the favor of the before mentioned governor and likewise the commission granted us by him and in the name of His Majesty to explore and subdue the said territories of Perú, and any other grants which His Majesty or his council of the Indies may, in the future, deign to make to us, without special advantage to any of the parties to this contract. We further pledge our services and take upon ourselves the said exploration and conquest, to direct and assist in any armed conflict which may arise in the course of the conquest and colonization of the said kingdom of Perú, which, however, shall not entitle us to claim any more than an equal share even as you, Don Fernando de Luque, that, all three of us shall equally, not only in any personal profits but also in the spoils of war and any acquisitions we, or any one of us, might, in any manner, secure in the said kingdom of Perú. And we will in good faith, without any fraud, give you the one third part of whatever fortune God may grant us, because we acknowledge and confess that it is by right yours and your heirs' or assigns', or whosoever may succeed you in this enterprise, and in your name we will peacefully surrender it and make an accounting of it to you or to your successors, without any one of us receiving a greater share than you, the said Don Fernando de Luque, or your heirs and assigns. And likewise for whatever dictatorship or seignory, perpetual or temporary, which His Majesty might grant to either or both of us in the said kingdom of Perú, you are to have the

third of all rentals, lands, and vassals and whatever might in any manner or form come into our possession in the said kingdom of Perú, either in the nature of lands, rents, apportionment of Indians, emoluments and vassals; you are to be lord of and enjoy the third part of it even as we ourselves, without addition or condition whatsoever, and, should we claim or allege any such, I, Captain Francisco Pizarro and I, Diego de Almagro, and in our names our heirs, do hereby waive hearing either in or out of a court of justice, and hold this instrument to be a sufficient warrant for the execution of judgment against us; and I, Don Fernando de Luque, subscribe to this contract in the form and manner described above, and I give the 20,000 pesos in gold for the said discovery and subjugation of the said kingdom of Perú, whether for loss or for profit, as God Our Father wills it. Of the result of the expedition to the said kingdom and territory I am to have and to enjoy the one third part, the other third part to be for Captain Francisco Pizarro, and the other third part for Diego de Almagro, without any one of us receiving more than the other, not only the seignories but also of allotments of Indians, lands, inheritances, riches, hidden treasures, any wealth or discovery of gold, silver, pearls, emeralds, diamonds and rubies, and of whatever appointment and rank which you, the said Captain Francisco Pizarro and Diego de Almagro, may have and possess in the said kingdom of Perú, you will have to give me one third.

And we, the said Captain Francisco Pizarro and Diego de Almagro, accept the terms of this contract in the form and manner which Don Fernando de Luque desires, which contract declares that we shall share equally in everything, whether of perpetual grants which His Majesty might make to us either in vassals or Indians or whatsoever other emoluments, and Don Fernando de Luque shall have and enjoy as his the one third part of it from the time that His Majesty should make the above mentioned grants. To insure the discharge of this contract and all contained therein, and to insure that we, the said Captain Francisco Pizarro and Diego de Almagro, seek you out and surrender unto you, and said Don Fernando de Luque, the one third part of all that we may discover and possess in whatever form or manner; in order to insure the performance of this contract we, the said Francisco Pizarro and Diego de Almagro, hereby take oath in the

name of God and the Holy Evangelists and upon this missal. In the presence of me, the notary, they made the sign of the cross with their fingers and swore to observe and fulfill the terms of this contract in toto, staking their reputation, honor, and Christian standing (may God exact the penalty), and to which the before mentioned Captain Francisco and Diego de Almagro said "amen." And thus we make oath that we will give to you the third part of all that we may discover and colonize in the said kingdom and territory of Perú, and that you are to enjoy, even as we, all in which we may have a part according to the terms of this contract; and we obligate ourselves to come with it to you, the said Don Fernando de Luque, or to whomsoever in your name should come. Furthermore we will make settlement with you whenever you may request it after the said discovery, conquest, and colonization of the said kingdom of Perú has been made; and we promise that we will devote and engage ourselves exclusively in this conquest until it is accomplished, and if not, may we be punished to the full extent of the law as scoundrels and perjurers, and be obliged to return to you, the said Don Fernando de Luque, the above mentioned 20,000 pesos of gold which we received from you. In order to guarantee the fulfillment of all stipulations of this contract each one of us waives each and every law, enactment, and decree, and whatever other provision or ordinance made in his favor, so that they shall not be valid in this instance.

We acknowledge the validity of this document and all therein contained, and it constitutes of itself sufficient warrant for the execution of judgment against our persons as well as against our properties, real and personal, present and future; and for the satisfaction of this judgment we each of us pledge our properties, real and personal, present and future, and acknowledge the right of any justice or judge of His Majesty to give full and speedy redress, as if sentence had been by a regularly constituted tribunal, and we renounce all laws and rights obtaining in our favor, especially the law which says: That general renunciation of laws is not valid.

Done in the city of Panamá, on the tenth day of the month of March in the Year of Our Lord One Thousand Five Hundred and Twenty-six. Witnessed by: Juan de Panés, Alvaro del Quiro, and Juan de Vallejo, residents of the city of Panamá, and signed by the said Don Fernando de Luque; and, because they do not know how

to write, the signatures of the said Captain Francisco Pizarro and Diego de Almagro are affixed to this document by Juan de Panés and Alvaro del Quiro, which witnesses I, the notary, recognize.

(Signed) Don Fernando de Luque

At the request of Francisco Pizarro:
Juan de Panés

At the request of Diego de Almagro:
Alvaro del Quiro

And I, Hernando del Castillo, Clerk of His Majesty and notary public of this city of Panamá, was present at the signing of this document which I wrote on these four pages. In witness hereof I affix my signature:

(Signed) Hernando del Castillo

23. Capitulation of Francisco Pizarro with the Queen of Spain

[Toledo, Spain, July 26, 1829. William H. Prescott, *The History of the Conquest of Peru* (1874), II, 465–472. Translated by Mr. and Mrs. José R. Palomo of Ohio State University. The text of the Capitulation between the queen of Spain and Francisco Pizarro is also given in full in Spanish in Quintana's *Vidas*, 176. Reprinted by permission of the publishers, the J. P. Lippincott Company, Philadelphia.]

Isabella of Portugal was, as the wife of the king-emperor Charles V, regent during his absence from Spain. It was in this capacity that she entered into the following agreement with Francisco Pizarro:

The Queen: Whereas you, Captain Francisco Pizarro, citizen of Tierra Firme, called Castilla del Oro, in your own behalf and in the name of the venerable father Don Fernando de Luque, schoolmaster and vicar general of the church of Darién, *sede vacante*, which is situated in the said Castilla del Oro, and Captain Diego de Almagro, citizen of the city of Panamá, have related to us how you and your above mentioned associates, with the desire of serving us and to promote the welfare of and to augment our royal crown, about five years ago, more or less, with the permission and upon the advice of Pedrárias Dávila, our governor and Captain General of the said Tierra Firme, undertook

an expedition from the said Tierra Firme to conquer, explore, subdue, and colonize the seacoast to the south, and whatever else you might be able to accomplish, all at the expense of yourself and your above mentioned associates, and have made for that purpose two ships and a brigantine on the said coast, in which to transport the rigging and equipment necessary for the said voyage and fleet from Nombre de Díos which is on the north coast to the southern coast, as well as the men and other requirements for the said voyage, returning with the said fleet for repairs. You spent a considerable sum of gold pesos and you set out to make and did make the said discovery in which you suffered many dangers and trials, during which you were left by all your crew which came with you on an uninhabited island with only thirteen men who had refused to desert you, and with these men, and with the help from the ships and men of the said Diego de Almagro, you proceeded from the said island and discovered the lands and provinces of Perú and the city of Tumbes, in which you and your said associates have spent more than 30,000 gold pesos. Entertaining a desire to serve us further you wished to continue the said conquest and colonization at your own expense and of your own volition, without obliging us at any time to reimburse you or to pay the expenses which you might incur therein other than as may be authorized herein, and you petitioned us to charge you with the conquest of these said lands, and to concede and authorize these favors upon the conditions hereinafter contained, covering which we have ordered the following agreement and capitulation to be drawn:

Firstly, I give license and authority to you, the said Captain Francisco Pizarro, to continue for us and in our name and in the name of the Royal Crown of Castile, the said discovery, conquest, and colonization of the said province of Perú, up to 200 leagues along the coast, which said 200 leagues are to be measured from the town called, in the Indian language, Tenumpuela, renamed by you Santiago, as far as the town of Chincha, which distance is approximately the said 200 leagues.

Item: In recognition of your services to God and to us, and to honor and reward you, we agree to appoint you our governor and captain general of all the said province of Perú, and of all the lands and villages which now are, or hereafter may be, in all the said 200 leagues, during all the days of your life, with a salary of seven hundred twenty-five thousand *maravedis* per year, counting from the day you set sail

from these our realms to continue the said colonization and conquest, which amount is to be paid you out of the rentals and revenues pertaining to us in the said land which you are to colonize; from this salary you will have to pay each year the salaries of an *alcalde mayor*, ten shield-bearers, thirty foot soldiers, a physician, and apothecary. Your salary is to be paid to you by the officers of the Crown in that territory.

Moreover: We bestow upon you the title of *Adelantado* of the said province of Perú, and likewise the title of *aguacil* mayor of the said province, both for the term of your life.

Moreover: We empower you to construct in the said lands and provinces of Perú, with the approval and accord of our officers, no more than four fortresses in the parts and places which may be most suitable, seeming to you and our said officers to be necessary to guard and subdue the said territory, and you shall have possession of them for yourself, your heirs and assigns, successively, with a salary of seventy-five thousand *maravedis* per year for each of the fortresses which you are to build at your own expense, without obliging us or the sovereigns who shall succeed us to pay you at any time what you have so spent, but within five years after the completion of each fortress we shall pay you yearly during that interval the one fifth of the total amount out of the revenues of the said lands.

Moreover: It is our desire, in recognition of the good works and teachings of the said Don Fernando de Luque, to propose him to Our Holy Father for bishop of the city of Tumbes, which is in the said province of Perú, and the limits of which jurisdiction we shall, with apostolic authority, duly define. And until the appointment for the said bishopric is forthcoming we constitute him universal protector of all the Indians of the said province, with a salary of one thousand ducats a year payable from our revenues from the said land, over and above the ecclesiastical tenth.

Moreover: As you have petitioned us in the said name that we make you a grant of vassals in those lands, concerning which we do not have complete information, it is our wish to hold this matter open pending the receipt of such information. In the meantime we will provide a reward and satisfaction commensurate with your labors and services. You shall have the twentieth part of the yearly tributes paid to us from those lands up to the sum of fifteen hundred ducats, one thousand of which being for yourself and the five hundred for the said Diego de Almagro.

Moreover: We grant to said Diego de Almagro the lieutenancy of the fortress which is or may be in the city of Tumbes in the province of Perú, and with a salary of one hundred thousand *maravedis* a year, plus an additional two hundred thousand *maravedis* a year for personal retinue, all to be paid from the rents of the said lands. He shall enjoy the benefits of these grants from the day that you, the said Francisco Pizarro, arrive in that country, although the said Diego de Almagro may remain in Panamá or go to any other place at his pleasure. We shall likewise make him an hidalgo so that he shall enjoy the honors and distinctions which such persons have a right to enjoy in all the Indies, islands and mainland of the great Main.

Moreover: We command that the said estates, lands and plots which you hold in Tierra Firme, called Castilla del Oro, and which have been granted to you as a citizen of the place, you are to have and to enjoy and to dispose of them as you see fit, in accordance with what we have conceded and authorized to the inhabitants of that territory. With respect to the Indians and freedmen whom you have and hold, it is our desire, our will, and our command that you are to retain and make use of them, and you shall not be dispossessed of them nor shall they be removed from your control while our authority lasts.

Moreover: Of the gold mined during the next six years, counting from the date of this document, by those who shall go to colonize the said land, we shall be paid one tenth; the seventh year one ninth, and so on, increasing each year until our share is the one fifth part. But of the gold and other things received as ransoms or booty or in any other way, from this date we shall be paid one fifth of all of it.

Moreover: To the citizens of the said land, for the said six years and for as much longer as we may see fit, we grant exemption from duty on all which they may import for the equipment and provision of their homes, provided it is not to be sold, and on that which they themselves, or any other persons, merchants or traders may sell, we shall likewise grant exemption from duty for two years at the most.

Moreover: We promise that, for a period of ten years, and thereafter until we shall give orders to the contrary, we will not impose taxes or any other tribute on the citizens of the said land.

Moreover: We grant to the said inhabitants and colonists that they shall be given by you ground-plots and lands suitable to them, in accordance with what has been done and is being done in the island of

Hispaniola. Likewise we shall give you power — in our name and during your term as governor — to take under your control all the Indians in those lands, following the instructions and ordinances which shall be given to you.

Moreover: At your request we appoint as our Chief Pilot of the South Sea Bartolomé Ruiz, with a yearly salary of seventy-five thousand *maravedis*, to be paid from the revenues of the said land, which he is to enjoy from the day upon which the commission is delivered to him; he shall take the oath of office in your presence and be sworn in before a notary. Likewise we appoint as notary of the city of Tumbes a son of the said Bartolomé Ruiz, provided he is capable and fitted for it.

Moreover: We are satisfied and pleased that you, the said Captain Francisco Pizarro, as far as it is in our power to grant you, shall conduct the administration of the government of the Indians of our isle of Flores, which is close to Panamá, and that you, or any one else you so desire, shall enjoy all the advantages that you may find on the said island, such as lands, estates, mountains, trees, mines and pearl fisheries. On the other hand you are obliged, each year that it is our pleasure, to deliver to us and to our officials at Castilla del Oro two hundred thousand *maravedis*, and one fifth of all the gold and pearls which may be in any manner and by whomsoever obtained from the said island of Flores, and without any discount. You are not to employ the said Indians of the above mentioned island in the fishing of pearls or in the mining of gold or metals, but they shall be employed in the cultivation of the land in order to provide for the maintenance of your forces, and in other occupations which in future you are to provide in the said island. We shall also permit that if you, the said Captain Francisco Pizarro, within two months after your arrival in Castilla del Oro, should declare before our said governor and resident judge of that place, that you do not wish to take charge of the said island of Flores, you will not be held responsible for or obliged to pay us on account of it the said two hundred thousand *maravedis*, and that the said island shall remain in our possession as it is now.

Moreover: In recognition of the great services rendered in the said voyage and discovery of the said Bartolomé Ruiz, Cristoval de Peralta, Pedro de Candia, Domingo de Soria Luce, Nicolas de Ribera, Francisco de Cuellar, Alonso de Molina, Pedro Alcon, Garcia de Jerez,

Anton de Carrion, Alonso Briceño, Martin de Paz, and Juan de la Torre, and because you have petitioned us and asked it as a favor, it is our wish to reward them. Wherefore we hereby proclaim that those of them who are not now *hidalgos* shall be made *hidalgos* of certain estates, and that in all our Indies, islands, and the mainland of the great Main, they shall enjoy the preëminence, privileges and other rights which are enjoyed by and reserved for *hidalgos* of estates in our own kingdom. We further depose that those of the above mentioned who are already *hidalgos* shall be proclaimed Knights of the Golden Fleece, furnishing beforehand the information necessary in such a case.

Moreover: We make you a present of twenty-five mares and as many horses from those which we have on the island of Jamaica, and should there be none when you ask for them, we are not to be held for the price of them nor for anything else on account of them.

Moreover: We reimburse you for the three hundred thousand *maravedis* paid out by you in Castilla del Oro for the artillery and munitions which you had to bring to the said province of Perú, taking the word of our officials in the House of the Indies at Sevilla as to the things which you bought and the cost of them, counting interest and exchange. We also reimburse you for an additional two hundred ducats paid out by you in Castilla del Oro for the transportation of the said artillery and munitions and other things from Nombre de Díos to the southern seacoast.

Moreover: We permit you to transport from these our kingdoms and from the kingdom of Portugal and from Cape Verde Islands and wherever you may desire, to the said land of your governorship, fifty negro slaves, of which number at least one third shall be females. These slaves are to pass free of all duties pertaining to us, with the provision that, if you abandon them or any part of them on the island of Española, San Juan, Cuba, Santiago, or in Castilla del Oro, or in any other place, those abandoned shall be lost to you and shall, by the provisions of this document, revert to our exchequer and treasury.

Moreover: We entrust you with funds in the amount of one hundred thousand *maravedis*, free from the taxes imposed by the exchequer of the said land, to be used for a hospital which is to be erected in the said land for the accommodation of the poor that may be there. Likewise, at your request and with the consent of the first colonists of the said land, we agree to give to the hospitals of the said land the right to

the sweepings of gold and silver from the foundries, and we will order our provision for this to be formally proclaimed.

Moreover: We agree to order, and herewith do order, that there shall be and reside in the city of Panamá, and wherever you may be stationed, a carpenter and a caulker, each of them to receive a salary of thirty thousand *maravedis* a year, from the time they begin their residence in the said city, or wherever you may order them; these shall be paid by our officials of the said land of your governorship whenever it is our pleasure and will to do so.

Moreover: We shall issue to you our writ in such form that on the said coast of the South Sea you may with the consent of their owners be able to commandeer whatever ships may be necessary for the journeys which you may have to make to the said land, paying the owners of such ships the customary charges, notwithstanding that other persons may have chartered them for other parts.

Likewise we shall order, and hereby do order and depose, that from these our kingdoms there shall not go out nor be allowed to pass any persons prohibited from so doing, under the penalties contained in our laws and ordinances and letters covering this matter and issued by us and by the Catholic kings. Neither literary persons nor attorneys shall be allowed to go to the said land for the purpose of following their profession.

All the provisions herein-before-stated we concede to you provided that you, the said Captain Pizarro, go out from these kingdoms with the ships, equipment, supplies and other things necessary for the said voyage and colonization, and with two hundred and fifty men, one hundred and fifty of them from our kingdoms and other sections not prohibited, and that the other hundred men may be taken from the islands and the mainland of the great Main, provided that from the mainland known as Castilla del Oro you shall not take more than twenty men, but those who made the first and second voyages to Perú with you we give permission to go with you this time also. You must comply with all these provisions within six months of the date of this document: having arrived at the said Castilla del Oro and at Panamá you shall be required to continue the said voyage and make the said discovery and colonization within another six months thereafter.

Moreover: We shall require that when you go out from these kingdoms and proceed to the said provinces of Perú you shall take with you such officials of our exchequer as we shall select; and also such

religious and ecclesiastical persons as we shall appoint for instructing the Indians and natives of that province in our Holy Catholic Faith, with whose counsel, and not without it, you are to make this conquest, discovery, and colonization. You are to give and pay the traveling and other expenses necessary for the proper maintenance of these clerics, for which you shall take nothing from them during the said journey; we especially ask you to do this as a service to God and to us, otherwise we will deem you ungrateful.

Moreover: We shall require that in the said subjugation, conquest, and treatment of the said Indians as to their persons and properties, you shall follow the ordinances and instructions which we have made or may make for this purpose, and which shall be given to you in our letter and writ which we shall issue for the protection of the said Indians. If you, the said Captain Francisco Pizarro keep and fulfill all the provisions of this capitulation which concerns you, we promise and assure you on our royal word that from now on we shall order to be kept and there shall be kept all that we herein concede and grant to you and to the settlers and traders of the said land; and for the execution and fulfilment of which we shall send the necessary letters and writs, first requiring you, the said Captain Francisco Pizarro, to swear before a notary public that you will keep and fulfill the provisions which concern you in this capitulation.

I, THE QUEEN

Toledo, July 26, 1529.

By command of Her Majesty,

JUAN VAZQUÉZ

24. A NARRATIVE OF THE CONQUEST OF PERU BY FRANCISCO PIZARRO

[December 5, 1534. Francisco de Xeres, *A True Account of the Province of Cuzco, Called New Castille, conquered by Francisco Pizarro, captain to His Majesty the Emperor, our Master.* Hakluyt Society Publications (1872), XLVII, 94–109. Reprinted by permission of the Council of the Hakluyt Society of London.]

Francisco de Xeres, secretary to Francisco Pizarro, came with him from Spain in 1530. He was an eyewitness of the stirring events of the early period of the conquest of Peru.

At the order of Francisco Pizarro he wrote an account of them on the spot. He returned to Spain in 1534 with the first installment of gold from Peru. In the same year he had the narrative published from which the following excerpts were taken.

The masters of the six ships which were at the port of San Miguel, being unable to maintain their crews, had requested the Governor to pay and despatch them. The Governor called a Council for the purpose of making the necessary arrangements and for reporting what had happened to his Majesty. It was decided that all the gold should be melted down which had been brought to Caxamalca by order of Atabaliba, as well as all that might arrive before the melting was finished. As soon as it was melted and distributed, the Governor would not be detained any longer, but would proceed to form a settlement, in obedience to the orders of his Majesty.

The publication of this resolution and the commencement of the melting took place on the 3rd of May, 1533. After ten days one of three Christians who went to the city of Cuzco arrived. He was the public notary, and he reported that that city of Cuzco had been taken possession of in the name of his Majesty. He also gave an account of the road, on which he said there were thirty principal towns, without counting Cuzco, and many other small villages. He said that Cuzco was as large as had been reported, and that it is situated on a hill side near a plain; that the streets were very regularly arranged and paved, and that in the eight days that he had been there he had not been able to see everything. He saw a well-built house entirely plated with gold, quadrangular, and measuring three hundred and fifty paces from corner to corner. Of these gold plates they took down seven hundred, which together weighed 500 *pesos*. From another house the Indians pulled off a quantity weighing 200,000 *pesos*; but, as it was much alloyed, having but seven or eight carats the *peso*, they would not receive it. Besides these two, they did not see any other houses plated with gold; but the Indians did not permit them to see all the city. They judged from what they did see that it was very rich. They found the Captain Quizquiz in the city, holding it for Atabaliba with a garrison of thirty thousand men, because it is threatened by Caribs and other tribes who wage war against that city. He reported many other things that there were in Cuzco, and that it was well ordered, and that

a chief was coming with the other two Spaniards with seven hundred plates of gold and much silver that was delivered to the chief at Xauxa, left behind by Chilicuchima. The whole quantity of gold collected by them was one hundred and seventy-eight loads, and these loads were in *paliqueres*, each borne by four Indians. They were bringing little silver, and the gold was delivered to the Christians by little and little, and slowly, because it was necessary to employ many Indians, who had to go from village to village to collect it. He calculated that the gold which was on the road would arrive at Caxamalca in about a month. It actually arrived on the 13th of June, and consisted of two hundred loads of gold and twenty-five of silver. The gold appeared to be of more than one hundred and thirty carats. After the arrival of this first instalment another sixty loads of less fine gold came in. The greater part was in plates, like the boards of a box, and three to four *palmos* in length. These had been taken from the walls of the house, and they had holes in them, showing that they had been secured by nails. They completed the founding and partitioning of all this gold and silver on the day of Santiago, the gold and silver being weighed by a *Romana*. The account was then taken, all being reduced to good gold; and it was found to make a total of 326,539 *pesos* of good gold. After deducting the fees of the founder, the Royal fifth amounted to 262,259 *pesos* of pure gold.[1] Of the silver there were 51,610 *marcs*, of which 10,121 *marcs* of silver formed the Royal fifth.[2] All the rest, after the Royal fifths and the fees of the founder had been deducted, was divided amongst all the conquerors who accompanied the Governor. The horsemen each received 8,880 *pesos* of gold and 362 *marcs* of silver.[3] The foot soldiers each had 4,440 *pesos*, and 181 *marcs* of silver, some more and some less, according as the Governor considered that each man deserved reward, with reference to his services, position, and the labours he had gone through.[4] A certain quantity of gold, which was set apart by the Governor before the partition took place,

[1] The share of Francisco Pizarro as governor was 200,000 *pesos* of gold and 50,000 *pesos* of silver, besides the gold *paliquero* of the Inca Atahualpa.

[2] Inca Garcilasso de la Vega gives the royal fifth at 546,250 *pesos* of gold and 105,750 of silver.

[3] Garcilasso states that the shares of these captains of cavalry were 90,000 *pesos* of gold and 30,000 of silver. The sixty men had 726,000 *pesos* of gold and 100,000 of silver.

[4] Four captains of infantry got 90,000 *pesos* of gold and 30,000 of silver, and a hundred men got 900,000 *pesos* of gold and 135,000 of silver.

was given to the citizens of San Miguel, to those who came with the Captain Diego de Almagro,[1] and to all the merchants and sailors who arrived afterwards. Thus everyone in the country received something; so that it might be called a general melting, as it was general to all.[2] One remarkable thing in this melting was that on one day they melted 80,000 *pesos*. Usually the quantity was 50,000 to 60,000 *pesos* a day. The melting was done by the Indians, who have among them good silversmiths and melters, and they worked with nine forges.

I must not omit to mention the prices which have been given for provisions and other goods in this country, though some are so high as to be incredible. Yet I can say with truth that I saw it, and that I bought some of the things. A horse was sold for 2,500 *pesos*, and another for 3,300 *pesos*. The ordinary price of horses was 2,500 *pesos*, and they were difficult to get at that price. A jar of wine, of three

[1] Almagro got 30,000 *pesos* of gold and 10,000 of silver.

[2] The value of the silver was reckoned at twenty per cent. of the gold. A ducat was worth eleven rials and one maravedi, or 375 maravedis. 100 *pesos* of gold were equal to 120 of silver, and 120 *pesos* of silver were equal to 144 ducats. Therefore, 100 *pesos* of gold = 144 ducats.

	Ducats
The Governor's share of gold	252,000
The Governor's share of silver	60,000
Three Captains of Cavalry. Share of gold	129,600
Three Captains of Cavalry. Share of silver	36,000
Four Captains of Infantry. Share of gold	129,600
Four Captains of Infantry. Share of silver	36,000
Sixty horsemen. Share of gold	1,036,800
Sixty horsemen. Share of silver	129,600
Hundred foot soldiers. Share of gold	1,296,000
Hundred foot soldiers. Share of silver	162,000
The 240 men of Almagro. Share of gold	259,200
The 240 men of Almagro. Share of silver	72,000
The Captain Almagro. Share of gold	43,200
The Captain Almagro. Share of silver	12,000
The Royal Fifth. Share of gold	786,600
The Royal Fifth. Share of silver	126,900
Increase of the refined silver	38,170
Total ransom of Atahuallpa	4,605,670

Of this sum 3,933,000 ducats was the value of the gold, and 372,670 ducats the value of the silver. This may be considered equal to £3,500,000 of our money. (*G. de la Vega*, Pt. II, lib. i, cap. 38, p. 51.)

In the division of plunder our author, Francisco de Xeres, as a horseman, received 362 *marcos* of silver and 8880 *pesos* of gold, besides 94 *marcos* and 2220 *pesos*, to be divided between himself and Pedro Sancho for Secretary's work.

azumbres, sold for sixty *pesos*. I gave forty *pesos* for two *azumbres*. A pair of high boots fetched thirty or forty *pesos*, and a pair of shoes as much; a cloak one hundred to one hundred and twenty *pesos*; a sword forty to fifty; a string of garlics half a *peso*. All other things were in proportion. (A *peso* is as much as a *castellano*.) A sheet of paper sold for ten *pesos*. I gave twelve *pesos* for half an ounce of damaged saffron. Much more might be said of the high prices at which everything was sold; and of the little store that was set by gold and silver. If one man owed anything to another, he paid it in a lump of gold, without weighing the gold, and being quite indifferent whether it was worth double the amount of the debt or not. Those who owed money went from house to house, followed by an Indian laden with gold, and seeking out their creditors to pay them.

Having related how the melting and distributing of the gold and silver were finished, the wealth of the land, and how little store was set by gold and silver, as well by Spaniards as Indians, I will now say something of the place which was subject to the Cuzco, and now belongs to Atabaliba. They say that it contained two houses made of gold, and that the straws with which it was roofed were all made of gold. With the gold that was brought from Cuzco, there were some straws made of solid gold, with their spikes, just as they would grow in the fields. If I was to recount all the different varieties in the shape of the pieces of gold, my story would never end. There was a stool of gold that weighed eight *arrobas*.[1] There were great fountains with their pipes, through which water flowed into a reservoir on the same fountains, where there were birds of different kinds, and men drawing water from the fountain, all made of gold. It was also ascertained from Atabaliba and Chilicuchima, and many others, that in Xauxa Atabaliba had sheep and shepherds tending them, all made of gold; and the sheep and shepherds were large, and of the size that they are met with in this land. These pieces belonged to his father, and he promised to give them to the Spaniards. They relate wonderful things of the wealth of Atabaliba and his father.

[1] This was the *tiana*, or throne, of the Incas. It fell to the share of Francisco Pizarro. According to Garcilasso de la Vega it was worth 25,000 *pesos* of gold. (II, lib. i, cap. 38.)

THE TRIAL AND EXECUTION OF ATAHUALPA

Now I must mention a thing which should not be forgotten. A chief, who was Lord of Caxamalca, appeared before the Governor and said to him through the interpreters: "I would have you to know that, after Atabaliba was taken prisoner, he sent to Quito, his native land, and to all the other provinces, with orders to collect troops to march against you and your followers, and to kill you all; and all these troops are coming under the command of a great captain called Lluminabi. This army is now very near to this place. It will come at night and attack the camp, setting fire in all directions, and the first they will try to kill will be yourself, and they will deliver Atabaliba out of his prison. From Quito are coming two hundred thousand men of war, and thirty thousand Caribs who eat human flesh; and from another province called Paçalta, and from other parts, come a great number of soldiers."

When the Governor heard this, he thanked the chief and did him much honour, and sent for a clerk to put it all down. Then he made further inquiries, and, having taken the statement to an uncle of Atabaliba, to some principal chiefs, and to some women, he found that all that the chief of Caxamalca had said was true.

The Governor then spoke to Atabaliba, saying: "What treason is this that you have prepared for me? For me who have treated you with honour, like a brother, and have trusted in your words!" Then he told him all the information he had received. Atabaliba answered, saying: "Are you laughing at me? You are always making jokes when you speak to me. What am I, and all my people, that we should trouble such valiant men as you are? Do not talk such nonsense to me." He said all this without betraying a sign of anxiety; but he laughed the better to conceal his evil design, and practised many other arts such as would suggest themselves to a quick-witted man. After he was a prisoner, the Spaniards who heard him were astounded to find so much wisdom in a barbarian. The Governor ordered a chain to be brought, which was fastened round the neck of Atabaliba. He then sent two Indians as spies to find out where this army was, for it was reported to be only seven leagues from Caxamalca. He wished to ascertain whether it was in such a position as that a hundred cavalry

could be sent against it. But it was reported that the enemy was posted in a very rugged position, and that he was approaching nearer. As soon as the chains were put upon Atabaliba he had sent a messenger to his great Captain saying that the Governor had killed him, and on receiving this news the Captain and his army began to retreat. But Atabaliba sent other messengers after the first, ordering them to advance without delay, and sending orders how and in what direction to march, and at what hour to attack the camp; adding that he was still alive, but that if they delayed he would be killed.

The Governor knew all this, and he ordered a careful watch to be kept in the camp. The cavalry were to go the rounds three times during the night; fifty horsemen going each round, and at the rounds of daybreak the whole hundred and fifty horsemen. During these nights the Governor and his Captains never slept, but looked after the rounds, and saw that all were on the alert. The soldiers who slept during the watch did not let go their arms, and their horses were kept saddled. This watchfulness was continued in the camp until, at sunset one Saturday evening two Indians, of those who served the Spaniards, came in and reported that they had fled from the hostile army, which was only three leagues distant, and that on that or the next night the camp of the Christians would be attacked; because they were marching rapidly in obedience to orders from Atabaliba.

Then the Governor, with the concurrence of the officers of his Majesty, and of the captains and persons of experience, sentenced Atabaliba to death.[1] His sentence was that, for the treason he had committed, he should die by burning, unless he became a Christian; and this execution was for the security of the Christians, the good of the whole land, and to secure its conquest and pacification. For on the death of Atabaliba all his troops would presently disperse, and would not have the courage to attack us or obey his orders.

They brought out Atabaliba to execution; and when he came into the square, he said that he would become a Christian. The Governor was informed, and ordered him baptized. The ceremony was per-

[1] "Atabalipa wept, and said that they should not kill him, that there was not an Indian in the land who would move without his orders, and that, he being prisoner, what could they fear? I saw the Marquis weep with sorrow, at not being able to spare his life, by reason of the risk of his escaping." — PEDRO PIZARRO

formed by the very reverend Father Vicente de Valverde.[1] The Governor then ordered that he should not be burnt, but that he should be fastened to a pole in the open space and strangled. This was done, and his body was left until the morning of the next day, when the monks, and the Governor with the other Spaniards, conveyed it into the church, where it was interred with much solemnity, and with all the honours that could be shown it.[2] Such was the end of this man who had been so cruel. He died with great fortitude, and without showing any feeling, saying that he entrusted his children to the Governor. When they took the body to be buried there was loud mourning among the women and servants of his household. He died on Saturday, at the same hour that he was taken prisoner and defeated. Some said that it was for his sins that he died on the day and hour that he was seized. Thus he was punished for the very great evils and cruelties that he had inflicted upon his vassals; for all, with one voice, declare that he was the greatest and most cruel butcher that had been among men; that for a very slight cause he would destroy a village, such as some trivial fault committed by a single man; and that he killed ten thousand persons, and held all the country by tyranny, so that he was very heartily detested by all the inhabitants.

Soon afterwards the Governor took another son of old Cuzco, named Atabaliba, who had shown a desire to be friendly to the Spaniards, and placed him in the lordship, in presence of the chiefs and lords of the surrounding districts, and of many other Indians. He ordered them to receive him as their lord, and to obey him as they had obeyed Atabaliba; for that he was their proper lord, being legitimate son of old Cuzco. They all answered that they would receive him as their lord, and obey him as the Governor had ordered.

Now I wish to mention a notable thing. It is, that twenty days before this happened, and before there were any tidings of the army that Atabaliba had ordered to be assembled, it happened that Atabaliba was, one night, very cheerful with some Spaniards with whom he was conversing. Suddenly there appeared a sign in the heavens, in the direction of Cuzco, like a fiery comet, which lasted during the greater

[1] Valverde was the chaplain to Francisco Pizarro. It was he who said to the Spaniards when they were preparing for the great massacre of the Indians in the square of Caxamarca, "I absolve you, Castilians; fall on and slay."

[2] The charges preferred against Atahualpa are given by Markham in *A True Account of the Province of Cuzco, etc.*, XLVII, 102 ff.

part of the night. When Atabaliba saw this sign he said that a great lord would very soon have to die in that land.[1]

When the Governor had placed the younger Atabaliba in the state and lordship of that land (as we have mentioned) the Governor told him that he must communicate to him the orders of his Majesty, and what he must do to become his vassal. Atabaliba replied that he must retire during four days, without speaking to anyone, for such was the custom among them when a Lord died, that his successor might be feared and obeyed, and afterwards all yield obedience to him. So he was in retirement for four days, and afterwards the Governor arranged conditions of peace with him, to the sound of trumpets, and the royal standard was put into his hands. He received and held it up for the Emperor our Lord, thus becoming his vassal. Then all the principal lords and chiefs, who were present, joyfully received him as their lord, kissed his hand and cheek, and, turning their faces to the sun, gave thanks with joined hands, for having been granted a native ruler. Thus was this lord received in the place of Atabaliba, and presently he put on a very rich fringe, secured round his head and descending over the forehead, so as almost to cover his eyes. Among these people this is the crown which he who is Lord of the lordship of Cuzco wears, and so it was worn by Atabaliba.

After all this, some of the Spaniards who had conquered the land, chiefly those who had been there a long time, and others who were worn out with illness or unable to serve by reason of their wounds, besought leave from the Governor to depart with the gold, silver, and precious stones that had fallen to their share, and to return to their homes. Permission was granted, and some of them went with Hernando Pizarro, the brother of the Governor. Others received permission afterwards, seeing that new men continued to resort to this land, drawn thither by the fame of its riches. The Governor gave some sheep and Indians to the Spaniards who had obtained leave to go home, to carry their gold and silver and clothes to the town of San Miguel. On the road some of them lost gold and silver to the amount of more than 25,000 *castellanos*, because the sheep ran away with the gold and silver, and some

[1] Garcilasso says it was a greenish-black comet nearly as thick as a man. It was seen in July or August, 1533, and, according to Humboldt, is certainly the one observed by Appian. On July 21, 1533, standing high in the north, near the constellation of Perseus, it represented the sword which Perseus holds in his right hand.

of the Indians also fled. On this journey they suffered much hunger and thirst, and many hardships from a want of people to carry their loads. From the city of Cuzco to the port the distance is nearly two hundred leagues. At last they embarked and went to Panama, and thence to Nombre de Dios, where they again embarked, and our Lord conducted them to Seville, at which port four ships have arrived, up to the present time, which brought the following quantity of gold and silver:

On the 5th of December, 1534, the first of these four ships arrived at the city of Seville. In her was the Captain Christoval de Mena, who brought 8000 *pesos* of gold and 950 *marcs* of silver. There was also on board a reverend clergyman, a native of Seville, named Juan de Losa, who brought 6000 *pesos* of gold and eighty *marcs* of silver. Beside these quantities, 38,946 *pesos* arrived in that ship.

In the year 1534, on the 9th of January, the second ship arrived, named the *Santa Maria de Campo*, with the Captain Hernando Pizarro on board, brother of Francisco Pizarro, the Governor and Captain-General of New Castille. In this ship there came, for his Majesty, 153,000 *pesos* of gold and 5048 *marcs* of silver. Besides this, several passengers and private persons brought 310,000 *pesos* of gold and 13,500 *marcs* of silver. This treasure came in bars and planks, and in pieces of gold and silver enclosed in large boxes.

In addition to all this, the ship brought, for his Majesty, thirty-eight vases of gold and forty-eight of silver, among which there was an eagle of silver. In its body were fitted two vases and two large pots, one of gold and the other of silver, each of which was capable of containing a cow cut into pieces. There were also two sacks of gold, each capable of holding two *fanegas* of wheat; an idol of gold, the size of a child four years old; and two small drums. The other vases were of gold and silver, each one capable of holding two *arrobas* and more. In the same ship passengers brought home forty-four vases of silver and four of gold.

This treasure was landed on the mole and conveyed to the *Casa de Contratacion*, the vases being carried, and the rest in twenty-six boxes, a pair of bullocks drawing a cart containing two boxes.

On the 3rd of July in the same year, three other ships arrived. The master of one was Francisco Rodriguez, and of the other Francisco Pabon. They brought, for passengers and private persons, 146,518 *pesos* of gold and 30,509 *marcs* of silver.

Without counting the above vases and pieces of gold and silver, the total amount of gold brought by these four ships was 708,580 *pesos*, a *peso* of gold being equal to a *castellano*. Each *peso* is commonly valued at 450 *maravedis*; so that, taking all the gold, except vases and other pieces, that was registered in these four ships, it would be worth 318,860,000 *maravedis*.

The silver was 49,008 *marcs*. Each *marc* is equal to eight ounces, which, counted at 2210 *maravedis*, makes the total value of the silver 108,307,680 *maravedis*.

One of the last two ships that arrived, in which Francisco Rodriguez was master, belonged to Francisco de Xeres, a native of the town of Seville, who wrote this narrative by order of the Governor Francisco Pizarro, being in the province of New Castille, in the city of Caxamalca, as Secretary to the Governor.

Praise to God.

25. Narrative of the War between the Spaniards and Araucanians from the Year 1550 to the Defeat and Death of Pedro de Valdivia on the 3d of December, 1553

[1787? Robert Kerr, *A General History and Collection of Voyages and Travels* (1812), V, 276–289. Published by William Blackwood of Edinburgh.]

In 1540 Pedro de Valdivia was sent by Francisco Pizarro to conquer Chile. On February 12, 1541, he founded Santiago de Nueva Estremadura,[1] which later came to be called the city of Santiago de Chile. It was destroyed by the Araucanians but was rebuilt by Valdivia. He also founded several other important towns. In the war between 1550 and 1553 he played a very important rôle, as the following excerpts will prove. The work from which these excerpts were taken, dealing with the discovery and conquest of Chile, was based on the writings of two Jesuits: the Abbé Juan Ignatio Molina and Alonzo de Ovalle, or Ovaglia. Molina's work was published at Bologna in 1787 and that of Ovalle at Rome in 1649. The wars between the Spaniards and the Araucanians continued for almost three

[1] Pedro de Valdivia was a native of Estremadura.

hundred years. The natives produced during that period many very able leaders. The youthful Lautaro, however, ranks as among the most famous of these. He was slain in battle in 1556. "When the terror which this young hero had inspired was removed by his death, even his enemies," declared Molina, "extolled his valour and military talents, and compared him to the greatest generals in ancient times, calling him the Chilese Hannibal. . . . For a long time the Araucanians lamented the untimely fate of the valiant Lautaro, to whom they owed all the success which their arms had hitherto achieved, and on whose conduct and bravery they entirely relied for the preservation of their independence. His name is still celebrated in their heroic songs, and his actions are still proposed as the most glorious model for the imitation of their youth. . . ." [1] The events of the first forty years of the efforts of the Spaniards to conquer Chile gave Alonso de Ercilla y Zuñiga materials for his immortal poem, *La Araucana*, dedicated to Philip II, June 15, 1578.

Perceiving the intentions of Valdivia to occupy the important post of Penco by a permanent settlement, the adjacent tribes of the Pencones gave notice of this invasion to the great nation of the Araucanians, their neighbours and friends, whose territories began on the southern shore of the Biobio; who, foreseeing that the strangers would soon endeavour to reduce their own country to subjection, determined to succour their distressed allies for their own security. Accordingly, in a *butacoyog*, or general assembly of the Araucanian confederacy, *Aillavalu* was nominated supreme *toqui*, and was instructed to march immediately with an army to the assistance of the Pencones. In the year 1550, pursuant to the resolutions of the Araucanian confederacy, Aillavalu passed the great river Biobio, at the head of 4000 men, and boldly offered battle to Valdivia, who had advanced to meet him on the banks of the Andalian. The brave Araucanians sustained the first discharges of musquetry from the Spaniards with wonderful resolution, and even made a rapid evolution under its direful effects, by which they assailed at once the front and flank of the Spanish army. By this unexpected courageous assault, and even judicious tactical manœuvre,

[1] Kerr, *A General History and Collection of Voyages and Travels*, V, 303.

the Spaniards were thrown into some disorder, and Valdivia was exposed to imminent danger, having his horse killed under him; but the Spaniards replaced their firm array, forming themselves into a hollow square supported by their cavalry, and successfully resisted every effort of their valiant enemies, of whom they slew great numbers by the superiority of their arms, yet lost at the same time a considerable number of their own men. The battle remained undecided for several hours; when at length, rashly pressing forwards with impetuous bravery, Aillavalu received a mortal wound,[1] and many of the most valiant officers and soldiers of the Araucanians being slain, they retired in good order, leaving the field of battle to the Spaniards, who felt no inclination to pursue them after a so dear-bought victory.

Valdivia, though he had been present in many battles, both in Europe and America, was astonished at the valour and military skill of this new enemy, and declared he had never been exposed to such imminent danger in the whole course of his military service. As he expected to be soon attacked again, he immediately proceeded to construct a strong fortification for the protection of his new city; and in fact, the Araucanian confederacy was no sooner informed of the defeat and death of their general Aillavalu, than a new and more numerous army was ordered against the Spaniards, under the command of *Lincoyan*, who was elected to the vacant office of supreme toqui. From his gigantic stature, and frequent displays of courage, this officer had acquired great reputation among his countrymen; but, though well suited for a subaltern officer, he was timid and irresolute in the supreme military command, and greatly disappointed the expectations which had been formed from his former behaviour.

Having marshalled his army in three divisions, Lincoyan marched in 1551 to attack the Spaniards under Valdivia, who still remained at Conception, occupied in building and fortifying the new city. The Spaniards were so much alarmed by the approach of the Araucanian army, that after confessing themselves, they took shelter under the cannon of their fortifications, where the Araucanians boldly assailed them: But, finding the first assault unsuccessful, Lincoyan became apprehensive of losing the army which had been committed to his charge, and ordered a precipitate retreat, to the great surprise of

[1] In Ovalle, this general is named Anabillo. and is said to have been made prisoner in the battle. — E.

Valdivia, who was apprehensive of some stratagem, and did not venture upon attempting a pursuit. When it was discovered that the enemy had actually retreated, the Spaniards considered their flight as a special favour from heaven, and some even alleged that they had seen the apostle St James, mounted on a white horse, waving a flaming sword and striking terror into their enemies. But the only miracle on this occasion proceeded from the timid circumspection of Lincoyan.

Being now in some measure freed from the restraint imposed upon him by the Araucanians, Valdivia applied himself diligently to the building of the city of Conception, for which place he entertained a strong predilection, as he considered that it would become the centre of maritime communication between Chili and the ports of Peru and Spain. Although he had fixed upon St Jago for the capital of the kingdom of Chili, he determined upon establishing his own family at Conception; for which purpose he selected a pleasant situation for his own dwelling, reserving for himself the fertile peninsula between the rivers Andalian and Biobio, and resolved to ask as a reward for his services the two adjoining districts of Arauco and Tucapel, with the title of marquis: For, although these districts still remained in the possession of the Araucanians, he fully expected to be able to subjugate that valiant people in a short time.

Having speedily reared the new city, in which he established a colony of his followers, he employed the remainder of the year 1551 in regulating its internal policy; for which purpose, after having established a Cabildo or body of magistrates, in imitation of those in Spain, as usual in all the cities of Spanish America, he promulgated a body of fundamental regulations, comprised in forty-two articles or statutes, some of which respecting the treatment of the natives within its territory and jurisdiction evinced much prudent humanity; yet, as in all the other subjected countries of America, he left them in a great measure subject to the control and caprice of the citizens to whom they were allotted.

After the settlement of his new city, and having received a reinforcement of soldiers from Peru, he resolved to attack the Araucanians in their own territories, believing that their courage was now entirely subdued, as they had made no attempt to molest him since their late repulse under Lincoyan. With these views, he passed the Biobio in 1552, and proceeding rapidly through the provinces of Encol and

Puren, unopposed by the tardy and timid operations of Lincoyan, he arrived at the river Cauten, which divides the country of the Araucanians nearly into two equal parts. Near the confluence of this river with the Damas, he founded a new city which he named *Imperial*, in honour of the Emperor Don Carlos; though some say that it received this name in consequence of finding some wooden figures of eagles with two heads, fixed on some of the native huts. This city was placed in a beautiful situation, abounding in all the conveniences of life; and, during the short period of its existence became one of the most flourishing in Chili. Being placed on the shore of a large and deep river, capable of allowing large ships to lie close to the walls, it was excellently situated for commerce, and had free access to receive succours of all kinds by sea in case of being besieged. By modern geographers, this place is still spoken of as an existing city, strongly fortified, and the seat of a bishopric; but it has been in ruins for considerably more than two hundred years.

Intoxicated with his present prosperity, and the apparent submission of the Araucanians, he assigned extensive districts in the surrounding country among his officers. To Francisco Villagran, his lieutenant-general, he gave the warlike province of *Maquegua*, considered by the Araucanians as the key of their country, with about thirty thousand inhabitants. The other officers obtained grants of lands and Indians proportionate to their rank, and the degree in which they possessed his favour, some getting as far as eight or even ten thousand Indians. He likewise dispatched Alderte, with a detachment of sixty men, with orders to establish a settlement on the shore of a lake called *Lauquen*, to which he gave the name of *Villarica*, or the rich city, owing to the great quantity of gold that was procured in the environs.

It may be here mentioned that the province of *Maquegua* was partitioned anew among the conquerors after the death of Villagran; the principal part of it being assigned to Juan de Ocampo, and another large share to Andreas Matencio. But, in consequence of its recapture by the Araucanians, they reaped very little advantage from their commanderies. Ocampo was afterwards rewarded for his distinguished services by being appointed to the office of corregidore of the cities of Serena Mendoza and St Juan, the two last in the province of Cujo; in which province he had likewise the grant of a considerable commandery of Indians, which he afterwards ceded to the crown.

Receiving additional reinforcements from Peru, Valdivia resumed his march for the south of Chili, still followed but at a considerable distance by Lincoyan, who pretended continually to seek a favourable opportunity to attack the Spaniards, but whose timid and cautious procedure could never find one of which he dared to avail himself. In this manner Valdivia traversed the whole territory of the Araucanians from north to south, with exceedingly little opposition and hardly any loss. But on his arrival at the river Callacalla, which separates the Araucanians from the *Cunches*, he found that nation in arms on the opposite bank of the river, ready to dispute the passage. The Cunches are one of the most valiant of the tribes inhabiting Chili, and possess the maritime country from the river Callacalla, called Valdivia by the Spaniards, to the gulf of Chiloé. They are divided into several subordinate tribes or clans, each of which, as in the other parts of Chili, are governed by their respective *ulmens*. They are in strict alliance with the Araucanians, and have ever continued bitter enemies to the Spaniards.

While Valdivia was deliberating upon the adoption of proper measures for crossing this river, a woman of the country, named *Recloma*, addressed the general of the Cunches with so much eloquence in behalf of the strangers, that he withdrew his army and allowed them to pass the river unmolested. Immediately after this unexpected event, the Spanish general founded a sixth city on the southern shore of the Callacalla, near its junction with the sea, giving it his own name of Valdivia; being the first of the conquerors in America who sought in this manner to perpetuate his name. This settlement, of which the fortress only now remains, attained in a few years a considerable degree of prosperity; owing to the superior fineness of the gold procured from its neighbouring mines, which obtained it the privilege of a mint, and because its harbour is one of the most convenient and secure of any on the shore of the Pacific Ocean. The river is here very broad, and so deep that ships of the line may be moored in safety within a few feet of the shore; and it has several other safe harbours and creeks in the vicinity.

Satisfied with the extent of the conquests he had made, or rather with the incursions he had been able to make in the Araucanian territory, Valdivia now retraced his steps towards the north; and in his progress during the year 1553, he built fortresses in each of the three

Araucanian provinces of Puren, Tucapel and Arauco. From the warlike inhabitants of these provinces especially, he apprehended any attempt that might prove fatal to his more southerly settlements of Imperial Villarica and Valdivia, and he left garrisons in these more northern fortresses to preserve the communication, and to be in readiness to afford succours to the others in the south. According to the poet Ercilla, the Spaniards had to sustain many battles and encounters with the natives in the course of this expedition in Araucania, but the particulars of none of these are recorded. This is however very probable; as it is not easy to account for the continuance of Lincoyan in the command on any other principles. It may be concluded, however, that, owing to the caution, or cowardice rather of the Araucanian toqui, these actions were so ill conducted and so inconclusive, as to give very little interruption to Valdivia in his triumphant progress through these provinces, between the Biobio and Callacalla, or from Conception to Valdivia.

On his return to St Jago, the seat of government, Valdivia received a considerable body of recruits to his army from Peru, together with 350 horses; on which he dispatched Francisco de Aguirre with two hundred men, to reduce the provinces of Tucuman and Cujo on the eastern side of the Andes; not considering how inadequate was even his whole undiminished military force to retain so large an extent of country as that he had now occupied, and a so numerous and warlike people under subjection. Indefatigable in the execution of his extensive plans of conquest, Valdivia returned into Araucania, where he founded in the province of Encol, a city to which he gave the name of La Frontera, being the seventh and last of his foundation. This name, from events which could not then have been in the consideration of Valdivia, has become strictly applicable to its present situation, as its ruins are actually situated on the southern confines of the Spanish settlements in Chili. Though long ago destroyed, it is still mentioned by geographers as an existing city under the name of Angol, by which native denomination it was long known to the Spaniards. It was situated in a fertile district, excellently adapted for the cultivation of vines, and for some time was in a rich and flourishing condition, principally owing to its wines, which were in great repute at Buenos Ayres, to which place they were transported by a road across the Andes and through the plains of La Plata.

After making suitable regulations for the security of this new colony, Valdivia returned to his favourite city of Conception, where he instituted three principal military officers for commanding the royal army of Chili, consisting of a quarter-master-general, a serjeant-major, and a commissary. In the present times only two of these subsist, the quarter-master-general and the serjeant-major; which latter office is now divided into two, one for the cavalry, and the other for the infantry; while the office of commissary is only now known in the militia. At this time he sent Alderte into Spain, with a large sum of money, and a particular relation of his transactions and conquests; and commissioned him to employ his utmost exertions to obtain for him the perpetual government of the country which he had conquered, together with the title of Marquis of Arauco. He dispatched likewise Francisco de Ulloa by sea, with directions to explore the Straits of Magellan, by means of which he hoped to open a direct communication with Spain, without being obliged to depend upon Peru for supplies.

While occupied in the contemplation of these extensive plans for the amelioration of the extensive kingdom which he had subdued, and the advancement of his own rank and fortune, Valdivia had no suspicion of an extensive and determined system of warfare which was planning among the Araucanians, and which soon burst forth with irresistible violence, to the ultimate destruction of all the Spanish conquests beyond the Biobio, and to which Valdivia himself fell an early victim. *Colocolo*, an aged *Ulmen* of the province of Arauco, animated by love for his country, quitted the retirement in which he had long indulged, and traversed the provinces of the Araucanian confederacy, exciting with indefatigable zeal the dormant spirit of his countrymen, which had sunk after their late disasters, and eagerly solicited them to make choice of a new supreme *toqui* capable of directing their arms for the recovery of those parts of their country which had been subjugated by the Spaniards, through the timid conduct of Lincoyan. Colocolo was well versed in the principles of government which subsisted among the Araucanians, and had long enjoyed the reputation of wisdom throughout the whole country, in which he was so universally esteemed and respected, that his councils and opinion were always solicited and listened to on every subject of importance. Roused from their torpidity by his animating exhortations, the whole body of Araucanian ulmens assembled according to their custom in a *Butacayog*, or

national council, in an open plain; and, after the usual feast, they proceeded to consult upon the situation of their national affairs, and the election of a new toqui to wipe off the disgraces which they had suffered under the direction of Lincoyan.

Many chiefs aspired to the glorious situation of avenger of their oppressed country, the most distinguished among whom were Andalican, Elicura, Ongolmo, Renco, and Tucapel. The last of these was so highly celebrated by his martial prowess that the province of which he was *Apo-ulmen* has ever since retained his name. He was besides supported in his pretensions by a powerful party; but his elevation to the supreme command was opposed by the more prudent members of the assembly, who dreaded lest the impetuosity of his character might hasten the entire ruin of the nation, instead of retrieving their honour and independence. Dissensions arose so high that the opposite parties were on the point of turning their arms against each other, when the venerable Colocolo rose to speak, and obtained a patient and attentive hearing. By a judicious and energetic address, he pacified their factious irritation so completely, that the assembly unanimously submitted the nomination of a supreme *toqui* to his choice. The wise old man, on whom every eye was now fixed in anxious expectation, immediately named Caupolican, the ulmen of Pilmaquen a subordinate district of the province of Tucapel, and the whole assembly applauded and confirmed the choice. Caupolican was of a lofty stature and uncommon bodily strength; and though he had lost an eye, the majesty of his countenance evinced great endowments of mind. He was of a serious, patient, and sagacious disposition; and besides great personal bravery, had every requisite to constitute him an able general of the peculiar troops over whom he was now appointed to command. On being invested with the battle-axe, as the badge of his supreme authority, he immediately selected the officers who were to bear command under him in the army of the state, among whom were all the late competitors, and even Lincoyan the former *toqui*. The office of vice-toqui, or lieutenant-general, he conferred on Marientu, a person in whom he reposed entire confidence. Even the violent Tucapel, who had nearly involved his country in civil war for the attainment of the supreme command, did not disdain to serve under the orders of his own vassal, manifesting by this submission his eager wish to sacrifice his personal ambition to the service of his country.

As the Araucanians believed themselves invincible under the command of their new toqui, they were desirous of going immediately from the place of assembly to attack the Spaniards. But Caupolican, no less prudent in council than valiant in the field, repressed this rash ardour, and persuaded them to disperse to their several places of abode, to provide themselves with good arms in order to be in readiness at the first summons to the field, and to leave the direction of the war to his management. Shortly afterwards, he collected and reviewed his army,[1] and resolved to commence his operations by a stratagem suggested by an accident. He had that morning taken eighty Indian prisoners, who were conducting forage to the Spanish garrison in the neighbouring fort of Arauco. In place of these men, he substituted an equal number of his own bravest soldiers, under the command of Cajuguenu and Alcatipay, whom he directed to conceal their arms among the bundles of grass, and to maintain possession of the gate of the fortress until he could come to their assistance with the rest of his army. The pretended foragers conducted themselves with so much judgment that they were admitted into the fortress without any suspicion on the part of the garrison, and immediately seizing their arms, they attacked the guard at the gate, killing all that came in their way. The alarm however soon spread, and the rest of the garrison hastened in arms to the spot, under Francisco Reynoso the commandant, and drove the Araucanians from the gate after an obstinate contest, at the very moment when Caupolican came up with his army, so that the Spaniards had just sufficient time to raise the draw-bridge and hasten to defend their ramparts. Though disappointed in his expectation of gaining admittance by the gate, Caupolican was still in hope of profiting from the confusion of the garrison, and encouraged his soldiers to assail the fortress on all sides, notwithstanding the continual fire kept up by the Spaniards from two cannon and six small field-pieces. After losing a great number of men in this unequal contest, Caupolican drew off from the assault, and determined to attempt the reduction of Arauco by a strict blockade, in hopes that the Spaniards would be soon constrained by famine into a surrender.

After the blockade had continued for some time, during which the

[1] Ovalle carries the number of the Araucanian army on this occasion to the inconceivable amount of 67,000 combatants in the field, besides a large body of reserve.

Spaniards made several unsuccesful sallies with considerable loss, Reynoso determined to abandon the fort and to retire with his remaining garrison to Puren, as provisions began to fail, and there was no prospect of being relieved. Accordingly the whole garrison mounted their horses at midnight, and rushing suddenly from the gate, made their escape through the middle of their enemies. As the Araucanians supposed this to have been one of the ordinary sallies, they took no measures to obstruct their flight, and Reynoso got off with his men. Having destroyed the fort of Arauco, Caupolican led his army to attack that of Tucapel, which was commanded by Martin Erizar with a garrison of forty men. Erizar defended himself gallantly for several days; but as provisions began to fail, and his small force was continually diminishing by the perpetually renewed assaults of the enemy, he likewise determined upon withdrawing to Puren, which he successfully executed, either by similar means as those pursued by Reynoso, or in consequence of a capitulation with Caupolican. Having destroyed this fortress, Caupolican encamped with his army in the neighbourhood, to wait the approach of the Spaniards, who he supposed would not be long of coming against him with an army.

Valdivia, who then resided in the city of Conception, no sooner learnt that the Araucanians had besieged Arauco, than he began his march for that place with such forces as he was able to collect at a short notice; though contrary to the advice of his most experienced officers, who urged him to wait till he could collect a more formidable army, and seemed to have a presentiment of the fatal consequences which were to result from the present expedition. The historians of the times differ materially in their accounts of the force under Valdivia on this occasion. According to some of these his army consisted of two hundred Spaniards and five thousand Promaucian auxiliaries, while others reduce the number to a half. The same uncertainty is to be found respecting the number of the enemy, some estimating them at nine and others at ten thousand men.[1] On approaching the encampment of Caupolican, Valdivia sent forwards a detachment of ten horsemen under Diego del Oro to reconnoitre, all of whom were slain by the enemy, and their heads cut off and hung upon trees by the way in which the Spanish army had to advance. On arriving at this place,

[1] Ovalle does not mention the amount of the army under Valdivia on this occasion, but extends the force of the Araucanians to twenty thousand men. — E.

the Spaniards were filled with horror at this miserable spectacle, and many of them, in spite of their usual intrepidity, were eager to retreat till a greater force could be collected. Even Valdivia regretted that he had not conformed to the advice of his older officers; but encouraged by the boasting confidence of others, who proudly declared that ten Spaniards were sufficient to put the whole Araucanian army to flight, he continued his march and came in sight of the enemy on the 3d of December 1553. The prospect of the ruins of Tucapel and the well regulated array of the adverse army, with the insulting taunts of the enemy, who upbraided them as robbers and impostors, filled the minds of the Spaniards, hitherto accustomed to respect and submission from the Indians, with mingled sentiments of dread and indignation.

The two armies continued for some time to observe each other from a small distance. At length the vice-toqui Marientu, who commanded the right wing of the Araucanians, began the engagement by an attack against the left wing of the Spaniards. Bovadilla who commanded in that wing, moved forwards with a detachment to encounter Marientu; but was immediately surrounded, and he and all his men cut to pieces. The serjeant-major, who was dispatched by Valdivia to his succour with another detachment, experienced the same fate. In the mean time, Tucapel, the Apo-ulmen of Arauco, who commanded the left wing of the Araucanians, made a violent attack on the Spanish right wing with his accustomed impetuosity. The battle now became general, and the hostile armies joined in close fight from wing to wing. Animated by the commands and example of Valdivia, who performed at the same time the duty of a valiant soldier and experienced general, the Spaniards by the superiority of their arms overthrew and destroyed whole ranks of the enemy. But, notwithstanding the horrible slaughter produced by the cannon and musquetry of the enemy, the Araucanians continually supplied the places of those who were slain by fresh troops. Three times they retired in good order beyond the reach of the musquetry; and as often, resuming new courage, they returned vigorously to the charge, which they urged with the most determined and persevering valour. At length, after losing a vast number of their men, the Araucanians were thrown into disorder and began to give way; and in spite of every effort of Caupolican, Tucapel, and even of the aged and intrepid Colocolo, to reanimate their courage and rally their disordered ranks, they took to flight. The Spaniards shouted

victory! and pressed ardently upon the fugitives, and the battle seemed decidedly won.

In this critical moment, a young Araucanian only sixteen years of age, named Lautaro, who had been made prisoner by Valdivia, and baptized and employed as his page, went over from the ranks of the victorious Spaniards, loudly reproached his countrymen for their opprobrious cowardice, and eagerly exhorted them to return to the contest, assuring them, that the Spaniards, being all wounded and spent with fatigue, were no longer able to bear up against a fresh attack. Having succeeded in stopping the flight of a considerable number of the Araucanians, Lautaro grasped a lance which he turned against his late master, crying out, "Follow me my countrymen to certain victory." Ashamed at being surpassed in courage by a boy, the Araucanians turned with fury against their enemies, whose ranks were somewhat disordered by the pursuit, and put them completely to rout at the first shock, cutting the Spaniards and their allies to pieces, insomuch that only two Promaucians of the whole army had the good fortune to escape, by fleeing to a neighbouring wood, whence they withdrew during the night to Conception. When all hope was lost by the entire rout of his army, Valdivia withdrew from the massacre attended by his chaplain, to prepare himself for inevitable death by confession and absolution. He was pursued and made prisoner by the victors; and on being brought before Caupolican, is said to have humbly implored mercy from the victorious toqui, and to have solicited the intercession of his former page, solemnly engaging to withdraw from Chili with all the Spaniards if his life were spared. Naturally of a compassionate disposition, and desirous of obliging Lautaro to whom he owed this important victory, and who now interceded for Valdivia, Caupolican was disposed to have shown mercy to his vanquished foe; but, while deliberating on the subject, an old ulmen of great authority among the Araucanians, indignant at the idea of sparing the life of their most dangerous enemy, dispatched the prisoner with a blow of his war club, saying that it would be madness to trust the promises of an ambitious enemy, who would laugh at his oaths when once he escaped the present danger. Caupolican was much exasperated at this interference with his supreme authority, and was disposed to have punished it severely; but most of his officers opposed themselves to his just resentment.

Thus fell Pedro de Valdivia, the conqueror of Chili; a man of supe-

rior genius and of great political and military talents, but who, seduced by the romantic spirit of his age and country, had not sufficient prudence to employ them to the best advantage. His undertakings had been more fortunate, if he had properly estimated his own strength, and had less despised the courage and skill of the Araucanians, presuming on the dastardly example of the Peruvians, and the want of concert in the more northern tribes of Chili, against whom he had hitherto been accustomed to contend. Historians do not impute to him any of those cruelties with which the contemporary conquerors of America have been accused. It is true that, in the records of the Franciscans, two monks of that order are mentioned with applause, as having dissuaded him from exercising those cruelties which had been usual with other conquerors upon the natives of America. By some he has been accused of avarice, and they pretend that the Araucanians put him to death by pouring melted gold down his throat, in punishment of his inordinate search for that metal: But this is a mere fiction, copied from a similar story in ancient authors.

26. Original Report of Alvar Núñez (Cabeza de Vaca)

[1544. Estanislao S. Zeballos, *Arbitration upon a Part of the National Territory of Misiones Disputed by the United States of Brazil, . . .* (1893), I, 172–176. Printed by S. Figueroa, New York.]

Few *conquistadores* have had a more varied and a more spectacular career than Alvar Núñez Cabeza de Vaca (1490–*ca.* 1561). His exploits in North America as a member of the ill-fated Narváez expedition into Florida are remarkable enough, but his career in South America as well as in Africa and Spain are fully as interesting. The account of the proceedings in the province of Rio de la Plata is given in the following report. His enemies brought about his arrest and forced him to go back to Spain. He was tried on charges preferred against him by the colonists of Rio de la Plata, found guilty, and banished to Africa. Later he was pardoned, returned to Seville, and served honorably as a judge of the higher courts in that city.

General Report that I, Alvar Nuñez Cabeza de Vaca, Adelantado and Governor and Captain-General of the Province of the River Plate,

by the grace of His Majesty, make, to inform him and the members of His Royal Council of the Indies, of the things [that] happened in that province, whither, by his order, I started from these kingdoms to relieve and to conquer the said province.

On the second day of the month of December, of the past year fifteen hundred and forty, I started out to sea in the Bay of Cadiz, with four vessels, four hundred and forty-six horses and mares, to go to the said Province of the River Plate.

On the twenty-ninth day of the month of March, the past year, fifteen hundred and forty-one, I arrived with my armada at the Island of Santa Catalina, which lies on the twenty-eighth degree on the coast of Brazil.

In this Island of Santa Catalina I landed all the people and horses, in order to ascertain the state in which were the Spanish people residing in the province, and so as to be able to send them notice that I was coming to their relief, by order of His Majesty, and to take possession in his name of the said Island.

Furthermore, I took possession, in the name of His Majesty, of La Cannea, which lies on the twenty-fifth degree more or less on the said coast of Brazil; this port of La Cannea is fifty leagues distant of the said Island of Santa Catalina.

On my arrival in the said Island of Santa Catalina, I gave the natives of the same, as well as those who lived on the said coast of Brazil, vassals of His Majesty, good treatment, and made them presents to keep them content.

. . . . . .

On the eighteenth day of the month of October, of the said year fifteen hundred and forty-one, I ordered the shipping of all their men that were to go to the said discovery, with twenty-six mares and horses, which I had saved from the ocean passage, and I took them to the river Ytabucú, wherein I took possession in the name of His Majesty, and on the said Island of Santa Catalina, I left one hundred and forty persons, to be shipped and to proceed to the port of Buenos Ayres by the sea, and I commanded Pedro Estopiñan Cabeza de Vaca, whom I left as Captain of the said people, that before leaving the said island he should get supplies for the people he took with him as well as for the people he might find in the said port, should they be in need:

and to the Indians of the said island, before my departure, I gave many shirts and caps and other things to leave them contented, and of their own free will a certain quantity of them offered to go in my company to show me the way, and also to carry the load of provisions for the sustenance of the people.

I marched a long time through the said land and Province of Vera without being able to hear from the natives any news of the people residing in the said city of La Asuncion, until on the said road I met an Indian native of the coast of Brazil, who calls himself Miguel, recently converted; and who came whence were the said Christians and was going to his country, and who informed me about all that was happening in the said country, and consented to return in my company to guide and advise me on the road; and from here the Indians, which came from the Island of Santa Catalina, bringing the loads of supplies, returned very happy for the good treatment given them and for the things given them in barter.

During the month of January, of the year fifteen hundred and forty-two, I came to a river which is called Piquirí, in a country where I found a great number of people and richer in supplies than what I had seen so far; and with many hens and ducks and game and fishes. All the border of this river is inhabited by many people, and all the countries and settlements that I passed understood and communicated through one language only, and they are all of a race called Guaraníes; they received me with great pleasure and satisfaction, and I gave them good treatment. Here a dog bit one Francisco de Orejon on the leg.

From this river Piquirí I sent again written word, through the Indians of said river, to the officers of His Majesty and Captains of the said city of La Asuncion, advising them of my coming by command of His Majesty, and in order that they might send me the two brigs to transport the people and horses and make sure of the pass of the river Paraná; as the people were warlike and had killed the Portuguese. In this river Piquirí I left fourteen sick men, besides the one wounded by the bite of a dog, and I charged the Indians to protect them and help them to go where I might be.

Through this country and province I marched on about five months without disturbance or rupture with the Indians, during which time four hundred leagues were marched, and nearly two hundred of them

were cut open through reeds, fields, and very thick woods. I always went on foot, and barefooted, to stimulate the men not to dismay, because of the heavy work along the route, opening roads and making bridges to cross the many rivers, we suffered great and excessive hardships.

All this country of this Province of Vera is the best land, and has better water, rivers, creeks, springs, fields, and trees than I have ever seen, and much game, and is a very good country to settle in and to plant and to raise cattle of all kinds, and very healthy; and all the people living in this country are, as I have said, of the race of the Guaraníes, working at farming and hen and duck growing, as the country people of our own Spain; a domestic people it is indeed, and friendly to the Christians, and fit to win over with little trouble to the knowledge of our sacred Catholic faith.

I came to a river called Iguaçú, which flows into the River Paraná; and the river Piquirí therein, where I passed, joins to the said river Paraná; and as the crossing of this river, as I have said, is known to be dangerous, I decided to go with eighteen men, on certain canoes that I had and bought of the Indians, down to the said river Iguaçú, to find the river Paraná, and that I did, and by land I sent the other men and horses that they might go to the crossing, so that some on one end and some on the other, would hold to land, and then we could then pass without danger.

There is in said river Iguaçú a waterfall, on account of which I and my people found it better to carry the canoes by land until leaving the said fall behind; and we carried them more than one-quarter of a league, pulling them by sheer force of our arms, until we returned them to the river and proceeded by it till we arrived to the river Paraná; and it pleased God that those going by land and those in the canoes arrived at the same time, for which reason the Indians did not dare attack us; although a great many of them had gathered there, and I began to unloose amongst the principal ones gifts and good words, with which I quieted them; and with the canoes I made four rafts, on which in the course of six hours I passed all the men and horses in peace, the very Indians helping me.

27. The Judicial Murder of Tupac Amaru

[1581. Captain Baltasar de Ocampo, *Account of the Province of Vilcapampa and a Narrative of the Execution of the Inca Tupac Amaru.* Translation by Sir Clements R. Markham. Hakluyt Society Publications (1907), XXII (Second Series), 226–229. Reprinted by permission of the Council of the Hakluyt Society of London.]

Viceroy Francisco de Toledo was determined to destroy the Inca dynasty. Titu Yupanqui and Tupac Amarú, brothers of Sayri Tupac, who were in Vilcapampa, were the object of his wrath. He ordered that they should take the oath of allegiance to the king of Spain. Titu died of an illness before he could take the oath, and Tupac Amarú was kept from the power of the Spaniards by his chiefs. The viceroy ordered a detachment of his military forces to capture the young Inca. This was done. He was brought to Cuzco, tried, and ordered executed. The manner in which this order was carried out is described in the following excerpts.[1]

The Inca was taken from the fortress, through the public streets of the city, with a guard of 400 Cañari Indians, having their lances in their hands. The Cañaris were great enemies of the Incas. He was accompanied by the two monks, one on either side, by Father Alonso de Barzana, of the Company of Jesus, and by Father Molina, preacher to the Indies and priest of the hospital of our Lady of the remedies. They went along teaching and saying things of much consolation to the soul, until they reached the scaffold, which was reared on high in the centre of the great square, fronting the cathedral. Here they got down, and the fathers remained with the Inca, comforting his soul with holy preparation.

The open spaces, roofs, and windows in the parishes of Carmenca and San Cristóval were so crowded with spectators that if an orange

[1] The youthful Inca had two little daughters, Juana and Magdalena, who found refuge with Dr. Loaysa, the Archbishop of Lima. Juana married the Curaca of Surimani, named Condorcanqui. Their descendant Josê Gabriel Condorcanqui, Cacique or Curaca of Surimani and Tungasuca, was born in 1742. He established his claim to the Marquisate of Oropesa before the Royal Audience of Lima in 1770. Taking the name of Túpac Amaru he led the Indian Revolt of 1780, and suffered death by torture in the great square of Cuzco on May 18th, 1781 . . . — Markham, in footnote on page 230 of Ocampo's *Account of the Province of Vilcapampa.*

had been thrown down it could not have reached the ground anywhere, so closely were the people packed. The executioner, who was a Cañari Indian, having brought out the knife with which he was to behead Túpac Amaru, a marvellous thing happened. The whole crowd of natives raised such a cry of grief that it seemed as if the day of judgment had come, and all those of Spanish race did not fail to show their feelings by shedding tears of grief and pain.

When the Inca beheld the scene, he only raised his right hand on high and let it fall. With a lordly mind he alone remained calm, and all the noise was followed by a silence so profound that no living soul moved, either among those who were in the square or among those at a distance. The Inca then spoke with a self-possession unlike one about to die. He said that now his course was run, and that he merited that death. He besought and charged all present who had children, on no account to curse them for any bad conduct, but only to chastise them. For when he was a child, having angered his mother, she had put a malediction on him by saying that he would end by being put to death and would not die a natural death; and it had come true. The Fathers Carrera and Fernandez rebuked him, saying that his fate was the will of God and was not due to the curse of his mother. As these Fathers were, like St Paul, so eloquent in their preaching, they easily convinced him, and he repented of what he had said. He asked them all to forgive him, and that they would tell the Viceroy and the Magistrate that he would pray to God for them.

Things being in this state along the principal streets, the most reverend Friar Don Agustin de la Coruña, Bishop of Popayan, who was one of the famous twelve Augustine Friars who were the first to enter Mexico preaching the gospel; Father Friar Gonzalo de Mendoza, Provincial of the order of our Lady of Mercy; Father Friar Francisco Corrol, Prior of St Augustin in this city; Father Friar Gabriel de Oviedo, Prior of San Domingo; Father Friar Francisco Velez, Guardian of San Francisco; Father Friar Geronimo de Villa Carrillo, Provincial of San Francisco; Father Friar Gonzalo Ballastero, Vicar Provincial of the Order of Mercy; and Father Luis Lopez, Rector of the Company of Jesus, all went to the Viceroy. They went down on their knees and besought him to show mercy and spare the life of the Inca. They urged that he should be sent to Spain to be judged by the King in person. But no prayers could prevail with the Viceroy.

Juan de Soto, chief officer of the court and a servant of his Excellency, was sent on horseback with a pole to clear the way, galloping furiously and riding down all kinds of people. He ordered the Inca's head to be cut off at once, in the name of the Viceroy. The Inca then received consolation from the Fathers who were at his side and, taking leave of all, he put his head on the block, like a lamb. The executioner then came forward and, taking the hair in his left hand, he severed the head with a knife at one blow, and held it on high for all to see. As the head was severed the bells of the cathedral began to ring, and were followed by those of all the monasteries and parish churches in the city. The execution caused the greatest sorrow and brought tears to all eyes.

They carried the body of Túpac Amaru to the house of Doña Maria Cusi Huarcay, the Inca's mother and aunt, for brother was married to sister in heathen times. Afterwards, by a bull of Pope Paul III, the marriage was ratified by Friar Geronimo de Loaysa, first Archbishop of Lima, being then Viceroy Don Andres Hurtado de Mendoza, Marquis of Cañete and Chief Guard of Cuenca. On the next day, after mass, the body of the Inca was interred in the high chapel of the cathedral, the services being performed by the chapter. Pontifical mass was said by the Bishop Agustin de la Coruña. The epistle was read by the Canon Juan de Vera, the gospel by the Canon Estevan de Villalom. All the religious of the city attended the funeral, and each one said his vigils and joined in the singing at the mass, in presence of the corpse. There had been a great council before he was baptized, when on the point of being taken out to be beheaded. Now there was a universal feeling of sorrow; and the masses were sung, with the organ, as for a Lord and Inca.

On the 9th day all the funeral honours were repeated, the religious coming to join in the vigils and masses of their own accord; from which it may be inferred that the Inca is with God our Lord.

When the head was cut off, it was put on a spike, and set up on the same scaffold in the great square, where the execution had taken place. There it became each day more beautiful, the Inca having had a plain face in life. The Indians came by night to worship the head of their Inca. At last, one night, towards the dawn, Juan Sierra came to his window and saw the idolatries practised by the people. He reported it to Don Francisco de Toledo, who then ordered the head to be taken down and buried with the body. This was done with no less solemnity

than on the occasion of the interment of the body. Thus the inconvenience of the Inca's head being worshipped by the people was avoided. In this city there is a monk of our Lady of Mercy, named Father Nicolas de los dichos, who witnessed all I have here related, touched it with his hands, trod there with his feet, and heard everything. Your Excellency can well inform yourself from him, as he possesses a very good memory, and is an excellent authority on all these events, being an eye-witness of good repute.

28. Letter from Oñate to Viceroy Velasco

[September 21, 1595. Charles W. Hackett (Ed.), *Historical Documents relating to New Mexico, Nueva Vizcaya, and Approaches Thereto, to 1773.* Collected by A. F. A. Bandelier and F. A. Bandelier and published by the Carnegie Institution of Washington (1923), I, 227, 229, 231, 233, 235, 237, 239, 241, 245, 247, and 253.]

Don Juan de Oñate, in the letter of which excerpts are given below, petitioned the viceroy of New Spain for permission to organize and conduct an expedition into New Mexico, and stipulated his terms. The struggle for the privilege of making this expedition lasted, however, for about twelve years. Cristóbal Martín, a wealthy citizen of Mexico City, Antonio de Espejo, Francisco Díaz de Vargas, *alguacil mayor* and *regidor* of Puebla, and Juan Bautista de Lemos y Colmenares of Nueva Galicia competed with Oñate for this coveted prize. Permission was given to Oñate to make the expedition in 1595. A change in the viceregal office in that year brought about new complications. The contract with Oñate was annulled, and another made with Don Pedro de León, a wealthy citizen of Bailén, Spain. Matters dragged on for almost three years. Oñate was finally permitted to undertake the expedition, only to be ordered to abandon it in 1606. In 1608 he renounced all claims to a command of an expedition to New Mexico.

Most Illustrious Sir: I, Don Juan de Oñate, resident of the city of Nuestra Señora de las Zacatecas, of the new kingdom of Galicia, declare: That, having offered to your most illustrious lordship my person

to serve his Majesty and your lordship in his royal name in the pacification of New Mexico and the occasions that have offered, continuing in this what I have done for more than twenty years up to now in the war with and the pacification of the Chichimecas and Guachichiles Indians and other nations in the kingdoms of Nueva Galicia and Vizcaya at my own cost and expense, imitating my father, Cristóbal de Oñate,[1] who, while exercising the duty and office of captain-general in the said kingdom of Galicia, conquered, pacified, and settled the major part of the said kingdom at his expense. In this he spent a very large sum of money, as is known to your lordship and is public and notorious, following in the footsteps of his ancestors, who always employed themselves like noble knights in the service of the royal crown of Castile. And your lordship having been pleased to do me the favor of accepting my offer, and to order me to enter the said province in pursuit of Captain Francisco de Leyva Bonilla[2] and his companions, so that they might be arrested and receive the punishment which their offense merited in having entered unlawfully and contrary to the order of your lordship and the special prohibition of his Majesty — not to mention the great difficulties that would result and will result from the disturbance and ill treatment of the natives, for cause of which their conversion and pacification will not be so easy in the future; and because the principal purpose that should be held and which his Majesty exhibits, and no less your lordship in his royal name, is this conversion, and the one is closely joined to the other; and because it would be possible to procure the punishment of the said delinquents and at the same time the service of God and the king, our lord, in the said conversion and pacification, I again offer to your lordship my person so that your lordship may thus be pleased to employ it in the said exploration, pacification, and conversion of the said provinces of New Mexico.

I beg that your most illustrious lordship will do me the favor to accept the said offer and to choose my person for the said purpose; and for what concerns it I present the following:

First, I offer to take two hundred men and over, equipped with everything necessary and supplies sufficient to reach the settlements and until after I have reached them — all at my expense and that of

[1] Cristóbal Oñate was lieutenant governor of Nueva Galicia at the time of the Coronado expedition to New Mexico in 1540–1542.

[2] This was the unauthorized expedition of 1593.

the said soldiers, without his Majesty being obliged to pay them any salary besides what I will voluntarily give them from my funds.

Item: 1500 pesos worth of flour and corn.
Item: 500 pesos worth of wheat for sowing.
Item: 500 pesos worth of jerked beef.
Item: 1000 head of cattle.
Item: 3000 sheep for wool.
Item: 1000 sheep for mutton.
Item: 1000 goats.
Item: 100 head of black cattle.
Item: 150 colts.
Item: 150 mares.
Item: two pairs of bellows with their equipment of irons.
Item: four pairs of bellows in case there should be mines.
Item: 2000 pesos worth of iron for horseshoes with their nails, 500 pesos of it to be in extra nails.
Item: 500 pesos worth of footgear (*calçado*).
Item: 500 pesos worth of medicines.
Item: 600 pesos of iron tools, such as plowshares, crow-bars, picks, wedges, hoes, hammers, *zuelas*, axes, augers, chisels, saws, and sickles.
Item: 600 pesos worth of iron for making into tools.
Item: 500 pesos worth of things for trading and making gifts to the Indians.
Item: 200 pesos worth of paper.
Item: 500 pesos worth of frieze and sackcloth.
Item: Twenty carts provided with oxen and everything necessary.

All of these things I offer to take in addition to the stores and food for the said soldiers which will be required until they reach the settlements; they are not to be used along the road except in the most extreme necessity. If it should be advisable to change some articles for others more necessary, in case it comes to the same amount of money, it can be done, and this note suffices for it.

Item: I offer to take as my personal equipment the following things:

Twenty-five horses.
Twenty-five mules with their equipment.
Two coaches with their mules.
Two iron-tired (*herrados*) carts with their mules.
Six light cavalry saddles.
Six troopers' saddles.
Six leather shields.
Six lances.
Twelve halberds.
Six coats of mail.
Six cuishes.
Six helmets with beavers.
Six sets of horse armor.
Six harquebuses.
Six swords and daggers.
Two complete corselets.
Two stands of arms.
Six buckskin jackets.

All of which I will have at the pueblo of Santa Bárbara, which is the last in the conquered territory, as soon as I possibly can, and will try to make it by the end of the month of March, 1596.

Besides all this your lordship will have to give me for the said expedition, at his Majesty's expense, the following: Six friars, with all the supplies necessary for them and their servants for the entire journey, and their vestments, ornaments, and means for celebrating and administering the sacraments — books and the like that for this purpose may seem necessary; and at the same time six bells of the usual size and some trumpets or church musical instruments, as his Majesty orders in article 26 of his ordinances; and your lordship should order that between the bishop to whom, as being the nearest, the discovery falls, and the said religious, there shall be no contention or dispute, so that there shall be no disturbance in the conversion and pacification of the natives.

. . . . . .

First, I obligate myself that in every way possible to me the said exploration and settlement shall be made in all peace, friendship, and Christianity, and that I will conduct the government of the people in my charge with the greatest Christianity and kindness that I can, so that in all our Lord and his Majesty may be served. And your lordship must order that I be given instruction as to what seems to you to be best and most in the service of God, our Lord, and of his Majesty, the good and pacification of that land, the conversion of the natives of it, the preaching of the Holy Gospel and Christian doctrine, and the method which it will be best to use in the pacification, and, for the sake of peace, in case they do not wish for the true knowledge of the Christian faith or to hear the evangelical word and give obedience to the king, our lord, what must be done with them, so that all may be done in accordance with the evangelical law and what the Catholic Church and the ordinances teach and order in these cases. And your lordship should order also what arrangement must be made so that the tributes that will be imposed upon them for the royal crown and for those who may take part in the said conquest may be collected in a Christian manner.

. . . . . .

That which your lordship, if you please, should grant me and order to be observed in the name of his Majesty is the following:

1. First, in virtue of the permission which your lordship has from his Majesty for the purpose of this exploration, pacification, and settlement, you should do me the favor of issuing a writ for it, inserted in that of the royal cédula and commission and paragraphs of letters which your lordship has from his Majesty, with the title of governor and captain-general of the said provinces of the new discovery, with the strength and security for its validation for the two lives granted by ordinance 56.[1]

And your lordship should take it upon himself to supplicate his Majesty to immediately grant two other lives, making them four in view of the great expense and labor of the said expedition, so that as such governor and captain-general, I may exercise in the name of his Majesty every jurisdiction, civil and criminal, upper and lower, *mero mixto* power, and after my days, the said lives as I may appoint and as is granted by the said ordinance.

2. Item: That as soon as I take possession of the said land in the name of his Majesty I am to have the title of *adelantado*, which I and my successors are to enjoy for the said lives of the governorship, in accordance with the said ordinance, and I am to have the privileges that such governors enjoy. At the same time it is to be charged to your lordship to supplicate his Majesty to add two more [lives], as is contained in the article before this.

. . . . . .

4. Item: That I shall have the power to divide among the soldiers, conquerors, and settlers who may go on the said expedition under my banner, or under that of my said successors, the said pueblos and vassals as may seem right to me, and that this shall be extended to those who may be of the second and third conquerors and settlers, and to others who may aid in the conquest and pacification of that land, and that they and their successors shall enjoy this *encomienda* during the three lives granted by ordinance 58. And also it shall be charged to his lordship to supplicate his Majesty to give him in perpetuity, or at least for three lives more.

5. Item: That to the said conquerors and settlers and their children and descendants all favor and honor shall be given, and they

[1] Of the "Laws of Settlement of 1573." These laws are found in "Ordenanzas de Su Magestad hechas para los Nuevos Descubrimientos, Conquistas, y Pacificaciones, Julio de 1573," in *Col. Doc. Inéd.*, XVI, 142–187.

shall be granted lots of land for pasture and farms, and as such they shall be allowed all the privileges and exemptions of ordinance 85.

. . . . . .

8. Item: That because of the great expense and excessive labor and trouble which I and my successors must have in the said conquest, pacification, and settlement power shall be given to take and divide, for me and for them, perpetually and always and forever, thirty square leagues of land, in one part or in two, wherever I shall point out, with all the vassals that there be in the said territory. And if any capital town falls within the said indicated territory, it shall be understood that the rest of the towns subject to the said capital, even though they may be outside of the said thirty leagues, shall come in my division, with the lands, pastures, waters, and mountains of the districts where the said vassals happen to be: and with it I shall be given, for myself and my heirs and successors for always and forever, the title of marquis, with civil and criminal jurisdiction *mero misto emperio*, with the honors and prerogatives that such titles always have in the kingdoms of Castile, so that my sons and daughters legitimate and natural, may inherit them perpetually; and, in default of my said sons and daughters not having any daughters or sons or other descendants in a direct line, let the said title be inherited by the nearest relative, with the proviso that I shall have the power to found the said entailment with the conditions that seem best to me.

. . . . . .

14. Item: That I or my heirs shall have the right to build three forts; and, having built and maintained them we shall hold the lieutenancy of them in perpetuity, with a suitable salary from the *real hacienda* and the products of the land, as is provided in ordinance 60.

15. Item: That if any rebellion should occur in the said government I shall have the power to issue and spend from the *real hacienda* what may be needed for this purpose.

. . . . . .

18. Item: That I and my said heirs and successors in the said government and jurisdiction must and shall deal directly with the royal Council of the Indies, so that none of the viceroys of this New Spain or of the neighboring audiencias can interfere in the administration of the said government.

19. Item: That I shall have the power to recruit men in any part

of the kingdom of his Majesty for the settlement and pacification, naming for it the captains and officials necessary, raising banners, beating drums, and proclaiming the expeditions.

. . . . . .

31. Item: That there shall be observed for me and my successors in the said government all the ordinances made by his Majesty for new explorations and new settlements, in so far as they may not be contrary to these agreements, which are to be secured to us irremissibly — to me and to my said successors and to those who may be conquerors and settlers of the said provinces, in whose name I also agree to them. Don Juan de Oñate. Copied from the original and corrected. Martin López de Gauna. *With rubric.*

29. Account of the Discovery of the Buffalo, 1599

[San Juan Baptista, February 23, 1599. Herbert Eugene Bolton, *Spanish Exploration in the Southwest, 1542–1706* (1916), 223–230. Reprinted by permission of the publishers, Charles Scribner's Sons, New York.]

The Oñate expedition into New Mexico, organized in 1596, did not leave Rio de Conchos until February 7, 1598. The great sand dunes south of El Paso, the medanos, were reached early in April of that same year. On August 11, 1598, the pueblo of Caypa, renamed San Juan, was reached, and the formal founding of the provinces of New Mexico was made at that place. It was from San Juan Baptista that Vicente de Zaldívar was sent to hunt buffaloes on the plains to the northeast of that place. The following document describes this excursion. The original of this account is found in the *Relaciones que envio Don Juan de Oñate de algunas jornades*, ff. 1–7. The manuscript is in the Lowery Collection, Library of Congress.

The *sargento mayor* Vicente de Saldivar Mendoca, the *proveedor general* Diego de Cubia, Captain Aguilar, and other captains and soldiers, to the number of sixty, set out from camp[1] for the cattle herds on the 15th day of September, well provided with many droves of mares and

[1] At San Juan de los Caballeros. Villagrá gives an account of this expedition in Cantos XVI–XVII. He says that Zaldívar went to discover "the main herd of the cattle" (fol. 145).

other supplies. They reached the Pecos River on the 18th and set out from there on the 20th, leaving Father Fray Francisco de San Miguel of the Order of San Francisco as prelate of that province, and Juan de Dios, lay brother and interpreter of that tongue. That province is the one Espejo named Tamas, from which came a certain Indian named Don Pedro Oros, who died in Tlanepantla under control and instruction of the friars of San Francisco.

Having travelled four leagues they reached the place called Las Ciruelas, where there are very great quantities of Castilian plums, Almonacid plums of Cordoba.[1] On the following day they travelled five more leagues, finding water after going three leagues, although they camped for the night without it. Next day they travelled two leagues to a small stream[2] carrying but little water but containing a prodigious quantity of excellent fish, pilchard, sardines, prawn, shrimp, and *matalote*. That night five hundred catfish were caught with only a fishhook, and many more on the following day.[3] At that place four Indian herdsmen[4] came to see him; they ordered that the Indians be given food and presents. One of them arose and with a loud voice called many Indians who were hidden and they all came to where the Spaniards were. They are powerful people and expert bowmen. The *sargento mayor* gave presents to all and won them over. He asked them for a guide to the cattle and they furnished one very willingly.

Next day they travelled six leagues and reached some rain water. There three Indians came out from a mountain, and, being asked where their ranchería was, they said that it was a league from there, and that they were very much excited because of our being in that land. In order that they might not become more excited by many people going, the *sargento mayor* went to their ranchería with but one

[1] "Ciruela almonaci de la cordoba." Almonacid de Toledo is a village in Spain twelve miles southeast of Toledo. Almonacid de Zorita is a village in Spain nineteen miles southeast of Guadalajara. Both are in Castile. The Indian Joseph declared that five or six leagues beyond the Pecos the Humaña party had encountered a great quantity of plums. This is an indication that Zaldívar went by the same route ("Relación que dió un indio"). See Villagrá, *Historia*, Canto XVI, fol. 45.

[2] They were now eleven leagues — twenty-five or thirty miles — from Pecos. The stream was probably the Gallinas, near Las Vegas.

[3] The names here given by the writer to the fish evidently were incorrect in some cases. Villagrá says they caught forty *arrobas* — a thousand pounds — of fish in less than three hours, with hooks only. — *Historia*, Canto XVI, fol. 145.

[4] *Vaqueros.*

companion, telling the three Indians to go ahead and quiet the people, and that he wished only to go and see them and to be their friend. He told them by means of an interpreter whom he had with him, named Jusepillo, one of the Indians who had been brought by Humayna and Leyba, and who had gone with them to a very great river to the east, in the direction of Florida. We all understand this to be the famous Rio de la Magdalena[1] which flows into Florida, and that this was the route followed by Dorantes, Cabeça de Vaca, and the negro who came thence to this land and to the rancherías and mountains of the Patarabueyes.

When he was about three-quarters of a league from his camp a great number of people came out to meet him, by fours and sixes. They asked for the Spaniards' friendship, their method of making the request being to extend the palm of the right hand to the sun and then to bring it down on the person whose friendship they desire. He made them presents also, and they importuned him to go to their ranchería, and although evening was approaching he had to comply so that they would not think he was afraid to go. He reached the ranchería and remained with them in great friendliness, returning to his camp very late at night.

Next day as he travelled many Indians and Indian women came out to meet him, bringing *pinole*.[2] Most of the men go naked, but some are clothed with skins of buffalo and some with blankets. The women wear a sort of trousers made of buckskin, and shoes or leggins, after their own fashion. He gave them some presents and told them by means of the interpreter that Governor Don Juan de Oñate had sent him that they might know that he could protect those who were loyal to his Majesty and punish those who were not. All were friendly

[1] The name Magdalena is given on the Martínez map to what is clearly the Canadian. Saldívar probably referred to the large river beyond the Arkansas reached by Humaña. The name Magdalena as applied to a stream flowing into the Gulf of Mexico dates from the Narváez expedition, in 1528. When at Aute (identified by Lowery as at St. Mark's, Florida), Narváez decided to go to the sea, whose proximity was suspected "from a great river to which we had given the name of the Rio de la Magdalena" (*The Journey of Alvar Nuñez Cabeza de Vaca*, Bandelier edition, p. 33). The only large stream in that vicinity is the Apalachicola, which it may have been. The name was later applied to various streams farther west, probably with reference to the stream mentioned by Cabeza de Vaca. See Lowery, *Spanish Settlements*, 1513–1561, p. 186; Winsor, *Narrative and Critical History*, II. 288.

[2] They drank toasted *pinole*, which is corn toasted and ground and mixed with water. — BOLTON, *Spanish Exploration in the Southwest*, 178.

and very well pleased. They asked him for aid against the Xumanas,[1] as they call a tribe of Indians who are painted after the manner of the Chichimecos.[2] The *sargento mayor* promised them that he would endeavor to insure peace to them, since he had come to this land for that purpose.

Bidding them goodby, he left that place and travelled ten more leagues in three days, at the end of which time he saw the first buffalo bull,[3] which, being rather old, wandered alone and ran but little. This produced much merriment and was regarded as a great joke, for the least one in the company would not be satisfied with less than ten thousand head of cattle in his own corral.

Shortly afterward more than three hundred buffalo were seen in some pools. During the next day they travelled about seven leagues, when they encountered as many as a thousand head of cattle. In that place there were found very good facilities for the construction of a corral with wings. Orders having been given for its construction, the cattle went inland more than eight leagues. Upon seeing this the *sargento mayor* went on ahead with ten of his soldiers to a river six leagues from there, which flows from the province of the Picuries and the snow-covered range where they are,[4] and where the guide had told him that there were great numbers of cattle. But when he reached the river the cattle had left, because just then many Indian herdsmen crossed it, coming from trading with the Picuries and Taos, populous pueblos of this New Mexico, where they sell meat, hides, tallow, suet, and salt in exchange for cotton blankets, pottery, maize, and some small green stones[5] which they use.

He camped for the night at that river, and on the following day, on his way back to the camp, he found a ranchería in which there were fifty tents made of tanned hides, very bright red and white in color

[1] The Jumanos or Patarabueyes.

[2] Chichimeco, at first applied to a single wild tribe of Indians of Central Mexico, came to be a generic term for the wild tribes, as opposed to the settled and more civilized tribes. — BOLTON, *Spanish Exploration in the Southwest*, 145, note 4.

[3] The party had now travelled twenty-seven leagues, or perhaps seventy-five miles, from Pecos.

[4] They were now forty leagues — a hundred miles or more — from Pecos, and the river must have been the Canadian, near Alamosa. It issues from the Sangre de Cristo Mountains.

[5] *Chalchiquitillos*. For an account of this trade see Espejo documents and Benavides, "Memorial," translation in *Land of Sunshine*, Vols. XIII, XIV.

and bell-shaped, with flaps and openings, and built as skilfully as those of Italy and so large that in the most ordinary ones four different mattresses and beds were easily accommodated. The tanning is so fine that although it should rain bucketfuls it will not pass through nor stiffen the hide, but rather upon drying it remains as soft and pliable as before. This being so wonderful, he wanted to experiment, and, cutting off a piece of hide from one of the tents, it was soaked and placed to dry in the sun, but it remained as before, and as pliable as if it had never been wet.[1] The *sargento mayor* bartered for a tent and brought it to this camp, and although it was so very large, as has been stated, it did not weigh over two *arrobas*.

To carry this load, the poles that they use to set it up, and a knapsack of meat and their *pinole*, or maize, the Indians use a medium-sized shaggy dog, which is their substitute for mules. They drive great trains of them. Each, girt round its breast and haunches, and carrying a load of flour of at least one hundred pounds, travels as fast as his master. It is a sight worth seeing and very laughable to see them travelling, the ends of the poles dragging on the ground, nearly all of them snarling in their encounters, travelling one after another on their journey.[2] In order to load them the Indian women seize their heads between their knees and thus load them, or adjust the load, which is seldom required, because they travel along at a steady gait as if they had been trained by means of reins.

Having returned to camp they had a holiday that day and the next, as it was the feast of Señor San Francisco, and on the 5th of October they continued their march so as to reach the main herd of the cattle. In three days they travelled fourteen leagues, at the end of which they found and killed many cattle. Next day they went three more leagues farther in search of a convenient and suitable site for a corral, and upon finding a place they began to construct it out of large pieces of cottonwood.[3] It took them three days to complete it. It was so large

[1] Villagrá makes almost exactly the same statement, indicating that he wrote from this account (*Historia*, Canto XVII., fol. 151).

[2] This is an excellent description of the *travois*. See also Castañeda, in Winship, *The Coronado Expedition*, p. 527.

[3] They were now fifty-one leagues, or perhaps from one hundred and twenty-five to one hundred and forty miles from Pecos. This took them near to, if not beyond, the borders of New Mexico. Since they found cottonwood timber, they must have been near a stream, which, I infer, was the Canadian. Details of the construction of the corral are given by Villagrá, *Historia*, Canto XVII., folios 150–151.

and the wings so long that they thought they could corral ten thousand head of cattle, because they had seen so many, during those days, wandering so near to the tents and houses. In view of this and of the further fact that when they run they act as though fettered, they took their capture for granted. It was declared by those who had seen them that in that place alone there were more buffalo than there are cattle in three of the largest ranches in new Spain.[1]

The corral constructed, they went next day to a plain where on the previous afternoon about a hundred thousand cattle had been seen. Giving them the right of way, the cattle started very nicely towards the corral, but soon they turned back in a stampede towards the men, and, rushing through them in a mass, it was impossible to stop them, because they are cattle terribly obstinate, courageous beyond exaggeration, and so cunning that if pursued they run, and that if their pursuers stop or slacken their speed they stop and roll, just like mules, and with this respite renew their run. For several days they tried a thousand ways of shutting them in or of surrounding them, but in no manner was it possible to do so. This was not due to fear, for they are remarkably savage and ferocious, so much so that they killed three of our horses and badly wounded forty, for their horns are very sharp and fairly long, about a span and a half, and bent upward together. They attack from the side, putting the head far down, so that whatever they seize they tear very badly. Nevertheless, some were killed and over eighty *arrobas*[2] of tallow were secured, which without doubt is greatly superior to that from pork; the meat of the bull is superior to that of our cow, and that of the cow equals our most tender veal or mutton.

Seeing therefore that the full grown cattle could not be brought alive, the *sargento mayor* ordered that calves be captured, but they became so enraged that out of the many which were being brought, some dragged by ropes and others upon the horses, not one got a league toward the camp, for they all died within about an hour. Therefore it is believed that unless taken shortly after birth and put under the care of our cows or goats, they cannot be brought until the cattle become tamer than they now are.

[1] Three such are specified in Oñate's letter. It is evidently from here that Oñate gets his information.

[2] This would be more than a ton.

Its shape and form are so marvellous and laughable, or frightful, that the more one sees it the more one desires to see it, and no one could be so melancholy that if he were to see it a hundred times a day he could keep from laughing heartily as many times, or could fail to marvel at the sight of so ferocious an animal. Its horns are black, and a third of a *vara* long, as already stated, and resemble those of the *búfalo*;[1] its eyes are small, its face, snout, feet, and hoofs of the same form as of our cows, with the exception that both the male and female are very much bearded, similar to he-goats. They are so thickly covered with wool that it covers their eyes and face, and the forelock nearly envelops their horns. This wool, which is long and very soft, extends almost to the middle of the body, but from there on the hair is shorter. Over the ribs they have so much wool and the chine is so high that they appear humpbacked, although in reality and in truth they are not greatly so, for the hump easily disappears when the hides are stretched.

In general, they are larger than our cattle. Their tail is like that of a hog, being very short, and having few bristles at the tip, and they twist it upward when they run. At the knee they have natural garters of very long hair. In their haunches, which resemble those of mules, they are hipped and crippled, and they therefore run, as already stated, in leaps, especially down hill. They are all of the same dark color, somewhat tawny, in parts their hair being almost black. Such is their appearance, which at sight is far more ferocious than the pen can depict. As many of these cattle as are desired can be killed and brought to these settlements, which are distant from them thirty or forty leagues, but if they are to be brought alive it will be most difficult unless time and crossing them with those from Spain make them tamer.[2]

In this region and on this road were found some camps and sleeping places made by Leyba and Humaña when they left this land, fleeing from the men who were coming from New Spain to arrest them.[3]

[1] That is, the Asiatic buffalo, or wild ox.

[2] The copy has *aman*, where *amansen* seems to be intended.

[3] Noting this statement in Zaldívar's declaration, Oñate had him make a more explicit statement under oath, on February 17, 1599, and attached it to the declaration of Jusephe. He states that the first camping place of Humaña was encountered about twenty-four leagues from San Juan Baptista, and the second about thirty-six leagues further on. He based his opinion on the statement of Jusephe, who went with them as a guide and interpreter ("Relación que dió un indio de la salida que hicieron Umana y leyba del nuevo Mexico").

These cattle have their haunts on some very level *mesas* which extend over many leagues, for, after reaching the top of them by a slight grade, as of low hills, thirty leagues were travelled, continuously covered with an infinite number of cattle, and the end of them was not reached. The mesas have neither mountain, nor tree, nor shrub, and when on them they were guided solely by the sun. To the north in their highest part flows a medium-sized river, which appears to be a marvel, for at that point it is higher than at its source, and seems rather to flow up than down. It contains many fish and crustaceans. At the base of these mesas, in some places where there are glens or valleys, there are many cedars, and an infinite number of springs which issue from these very mesas, and half a league from them there are large cotton groves.

The Indians are numerous in all that land. They live in rancherías in the hide tents hereinbefore mentioned. They always follow the cattle, and in their pursuit they are as well sheltered in their tents as they could be in any house. They eat meat almost raw, and much tallow and suet, which serves them as bread, and with a chunk of meat in one hand and a piece of tallow in the other, they bite first on one and then on the other, and grow up magnificently strong and courageous. Their weapons consist of flint and very large bows, after the manner of the Turks. They saw some arrows with long thick points,[1] although few, for the flint is better than spears to kill cattle. They kill them at the first shot with the greatest skill, while ambushed in brush blinds made at the watering places, as all saw who went there, and who in company with the said *sargento mayor* consumed in the journey fifty-four days and returned to this camp on the 8th of November, 1598, thanks be to God.

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30. Drake's Famous Voyage

[1577–1580. Edward John Payne, *Voyages of the Elizabethan Seamen to America* (1880), 149–159. Published by Thomas de la Rue and Company, London and Paris.]

Francis Drake, the famous English buccaneer, chose piracy as a means of plundering the Spaniards. According to Payne this practice of recovering debts or damages from subjects of

[1] He evidently means the spear.

another nation was authorized by law in the Middle Ages. The war which Philip II was waging against the Protestants in the Netherlands had aroused the English people. While Elizabeth did not openly favor the cause of the Dutch Protestants, she was not supporting Philip II. Drake was therefore given permission to undertake the famous voyage. He set out from Plymouth on November 15, 1577, with a fleet of five vessels and one hundred and sixty-four men. These vessels, the *Pelican*, the *Elizabeth*, the *Marigold*, the *Benedict*, and the *Swan*, were not large. The *Pelican*, Drake's flagship, the largest, had a displacement of one hundred and twenty tons. It was the purpose of the voyage to cut off the supply of gold and silver from the Indies so as to cripple Philip II in the conduct of the war. The voyage came to an end on November 3, 1580, with the return to England of the *Golden Hind* (the new name given to the *Pelican*) with her commander and crew. The following excerpts are from the *Narrative of the Famous Voyage of Sir Francis Drake, into the South Sea, and therehence about the whole globe of the earth, begun in the year of our Lord, 1577*, by Francis Pretty, a member of Drake's crew.

. . . . . .

From the first day of our departure from the islands of Cape Verde, we sailed fifty-four days without sight of land. And the first land that we fell with was the coast of Brazil, which we saw the fifth of April, in the height of 33 degrees towards the pole Antarctic, and being discovered at sea by the inhabitants of that country, they made upon the coast great fires for a sacrifice (as we learned) to the devils; about which they use conjurations, making heaps of sand, and other ceremonies, that when any ship shall go about to stay upon their coast, not only sands may be gathered together in shoals of every place, but also that storms and tempests may arise, to the casting away of ships and men, whereof, as it is reported, there have been divers experiments.

On the 7th day in a mighty great storm, both of lightning, rain, and thunder, we lost the *canter*, which we called the Christopher. But the eleventh day after, by our General's great care in dispersing his ships,

we found her again, and the place where we met our General called the Cape of Joy, where every ship took in some water. Here we found a good temperature and sweet air, a very fair and pleasant country with an exceeding fruitful soil, where were great store of large and mighty deer, but we came not to the sight of any people; but travelling further into the country we perceived the footing of people in the clay-ground, shewing that they were men of great stature. Being returned to our ships we weighed anchor, and ran somewhat further, and harboured ourselves between the rock and the main, where by means of the rock that broke the force of the sea, we rode very safe, and upon this rock we killed for our provision certain sea-wolves, commonly called with us *seals*. From hence we went our course to 36 degrees, and entered the great river of Plate, and ran into 54 and 53 1-2 fathoms of fresh water, where we filled our water by the ship's side; but our General finding here no good harbour, as he thought he should, bore out again to sea the 27th of April, and in bearing out we lost sight of our fly-boat wherein Master Doughty was. But we, sailing along, found a fair and reasonable good bay, wherein were many and the same profitable islands, one whereof had so many seals as would at the least have laden all our ships, and the rest of the islands are, as it were, laden with fowls, which is wonderful to see, and they of divers sorts. It is á place very plentiful of victuals, and hath in it no want of fresh water. Our General, after certain days of his abode in this place, being on shore in an island, the people of the country shewed themselves unto him, leaping and dancing, and entered into traffic with him; but they would not receive anything at any man's hands, but the same must be cast upon the ground. They are of clean, comely, and strong bodies, swift on foot, and seem to be very active.

On the 18th day of May, our General thought it needful to have a care of such ships as were absent, and therefore endeavouring to seek the fly-boat wherein Master Doughty was, we espied her again the next day. And whereas certain of our ships were sent to discover the coast and to search an harbour, the *Marigold* and the *canter* being employed in that business, came unto us and gave us understanding of a safe harbour that they had found; wherewith all our ships bare, and entered it, where we watered and made new provision of victuals, as by seals, whereof we slew to the number of two or three hundred in the

space of an hour. Here our General in the *Admiral* rode close aboard the fly-boat, and took out of her all the provision of victuals and what else was in her, and hauling her to the land, set fire to her, and so burnt her to save the iron work, which being a-doing, there came down of the country certain of the people naked, saving only about their waist the skin of some beast, with the fur or hair on, and something also wreathed on their heads. Their faces were painted with divers colours, and some of them had on their heads the similitude of horns, every man his bow, which was an ell in length, and a couple of arrows. They were very agile people and quick to deliver, and seemed not to be ignorant in the feats of wars, as by their order of ranging a few men might appear. These people would not of a long time receive anything at our hands; yet at length our General being ashore, and they dancing after their accustomed manner about him, and he once turning his back towards them, one leaped suddenly to him, and took his cap with his gold band off his head, and ran a little distance from him, and shared it with his fellow, the cap to the one, and the band to the other. Having despatched all our business in this place, we departed and set sail. And immediately upon our setting forth we lost our *canter*, which was absent three of four days; but when our General had her again, he took out the necessaries, and so gave her over, near to the Cape of Good Hope. The next day after, being the 20th of June, we harboured ourselves again in a very good harbour, called by Magellan, Port St. Julian, where we found a gibbet standing upon the main; which we supposed to be the place where Magellan did execution upon some of his disobedient and rebellious company.

On the 22nd of June our General went ashore to the main, and in his company John Thomas, and Robert Winterhie, Oliver the master-gunner, John Brewer, Thomas Hood, and Thomas Drake. And entering on land, they presently met with two or three of the country people. And Robert Winterhie having in his hands a bow and arrows, went about to make a shoot of pleasure, and, in his draught, his bowstring brake; which the rude savages taking as a token of war, began to bend the force of their bows against our company, and drove them to their shifts very narrowly.

In this port our General began to enquire diligently of the actions of Master Thomas Doughty, and found them not to be such as he looked

for, but tending rather of contention or mutiny, or some other disorder, whereby [without redress] the success of the voyage might greatly have been hazarded. Whereupon the company was called together and made acquainted with the particulars of the cause, which were found, partly by Master Doughty's own confession, and partly by the evidence of the fact, to be true, which when our General saw, although his private affection to Master Doughty [as he then in the presence of us all sacredly protested] was great, yet the care he had of the state of the voyage, of the expectation of her Majesty, and of the honour of his country did more touch him, as indeed it ought, than the private respect of one man. So that the cause being throughly heard, and all things done in good order as near as might be to the course of our laws in England, it was concluded that Master Doughty should receive punishment according to the quality of the offence. And he, seeing no remedy but patience for himself, desired before his death to receive the communion, which he did at the hands of Master Fletcher, our minister, and our General himself accompanied him in that holy action. Which being done, and the place of execution made ready, he having embraced our General, and taken his leave of all the company, with prayers for the Queen's Majesty and our realm, in quiet sort laid his head to the block, where he ended his life. This being done, our General made divers speeches to the whole company, persuading us to unity, obedience, love, and regard of our voyage, and for the better confirmation thereof, willed every man the next Sunday following to prepare himself to receive the communion, as Christian brethren and friends ought to do, which was done in very reverent sort; and so with good contentment every man went about his business.

On the 17th day of August we departed the port of St. Julian, and the 20th day we fell with the Strait of Magellan, going into the South Sea, at the cape or headland whereof we found the body of a dead man, whose flesh was clean consumed. On the 21st day we entered the Straits, which we found to have many turnings, and as it were shuttings-up, as if there were no passage at all, by means whereof we had the wind often against us; so that some of the fleet recovering a cape or point of land, others should be forced to turn back again, and to come to an anchor where they could. In this Strait there be many fair harbours, with store of fresh water, but yet they lack their best com-

modity, for the water there is of such depth, that no man shall find ground to anchor in, except it be in some narrow river or corner, or between some rocks, so that if any extreme blasts or contrary winds do come [whereunto the place is much subject] it carrieth with it no small danger. The land on both sides is very huge and mountainous, the lower mountains whereof, although they be monstrous and wonderful to look upon for their height, yet there are others which in height exceed them in a strange manner, reaching themselves above their fellows so high, that between them did appear three regions of clouds. These mountains are covered with snow. At both the southerly and easterly parts of the Strait there are islands, among which the sea hath his indraught into the Straits, even as it hath in the main entrance of the Strait. This Strait is extreme cold, with frost and snow continually; the trees seem to stoop with the burden of the weather, and yet are green continually, and many good and sweet herbs do very plentifully grow and increase under them. The breadth of the Strait is in some places a league, in some other places two leagues and three leagues, and in some other four leagues; but the narrowest place hath a league over.

On the 24th of August we arrived at an island in the Straits, where we found great store of fowl which could not fly, of the bigness of geese; whereof we killed in less than one day three thousand, and victualled ourselves throughly therewith. On the 6th day of September we entered the South Sea at the cape or head shore. On the 7th day we were driven by a great storm from the entering into the South Sea, 200 leagues and odd in longitude, and one degree to the southward of the Strait, in which height, and so many leagues to the westward, the 15th day of September, fell out the eclipse of the moon at the hour of six of the clock at night; but neither did the ecliptical conflict of the moon impair our state, nor her clearing again amend us a whit; but the accustomed eclipse of the sea continued in his force, we being darkened more than the moon sevenfold.

From the bay [which we called the Bay of the Severing of Friends] we were driven back to the southward of the Straits in 57 degrees and a terce; in which height we came to an anchor among the islands, having there fresh and very good water, with herbs of singular virtue. Not far from hence we entered another bay, where we found people [both men and women] in their canoes naked, and ranging from one island

to another to seek their meat; who entered traffic with us for such things as they had. We returning hence northward again, found the 3rd of October three islands, in one of which was such plenty of birds as is scant credible to report. On the 8th day of October we lost sight of one of our consorts, wherein Master Winter was; who, as then we supposed, was put by a storm into the Straits again. Which at our return home we found to be true, and he not perished, as some of our company feared. Thus being come into the height of the Straits again, we ran, supposing the coast of Chili to lie as the general maps have described it, namely north-west; which we found to lie and trend to the north-east and eastwards, whereby it appeareth that this part of Chili hath not been truly hitherto discovered, or at the least not truly reported, for the space of twelve degrees at the least, being set down either of purpose to deceive, or of ignorant conjecture.

We continuing our course, fell the 29th of November with an island called La Mocha, where we cast anchor, and our General, hoisting out our boat, went with ten of our company to shore. Where we found people, whom the cruel and extreme dealings of the Spaniards have forced, for their own safety and liberty, to flee from the main, and to fortify themselves in this island. We being on land, the people came down to us to the water side with show of great courtesy, bringing to us potatoes, roots, and two very fat sheep, which our General received, and gave them other things for them, and had promised to have water there. But the next day repairing again to the shore, and sending two men to land with barrels to fill water, the people taking them for Spaniards (to whom they use to show no favour if they take them) laid violent hands on them, and, as we think, slew them.

Our General seeing this, stayed here no longer, but weighed anchor, and set sail towards the coast of Chili, and drawing towards it, we met near to the shore an Indian in a canoe, who thinking us to have been Spaniards, came to us and told us, that at a place called Santiago, there was a great Spanish ship laden from the kingdom of Peru; for which good news our General gave him divers trifles. Whereof he was glad, and went along with us and brought us to the place, which is called the port of Valparaiso. When we came thither we found, indeed, the ship riding at anchor, having in her eight Spaniards and three negroes; who, thinking us to have been Spaniards, and their friends,

welcomed us with a drum, and made ready a Bottija of wine of Chili to drink to us. But as soon as we were entered, one of our company called Thomas Moon began to lay about him, and struck one of the Spaniards, and said unto him, *Abaxo, perro!* that is in English, "Go down, dog!" One of these Spaniards, seeing persons of that quality in those seas, crossed and blessed himself. But, to be short, we stowed them under hatches, all save one Spaniard, who suddenly and desperately leapt overboard into the sea, and swam ashore to the town of Santiago, to give them warning of our arrival.

They of the town, being not above nine households, presently fled away and abandoned the town. Our General manned his boat and the Spanish ship's boat, and went to the town, and, being come to it, we rifled it, and came to a small chapel, which we entered, and found therein a silver chalice, two cruets, and one altar-cloth, the spoil whereof our General gave to Master Fletcher, his minister. We found also in this town a warehouse stored with wine of Chili and many boards of cedar-wood, all which wine we brought away with us, and certain of the boards to burn for firewood. And so, being come aboard, we departed the haven, having first set all the Spaniards on land, saving one John Griego, a Greek born, whom our General carried with him as pilot, to bring him into the haven of Lima.

When we were at sea our General rifled the ship, and found in her good store of the wine of Chili, and 25,000 *pesos* of very pure and fine gold of Valdivia, amounting in value to 37,000 ducats of Spanish money, and above. So, going on our course, we arrived next at a place called Coquimbo, where our General sent fourteen of his men on land to fetch water. But they were espied by the Spaniards, who came with 300 horsemen and 200 footmen, and slew one of our men with a piece. The rest came aboard in safety, and the Spaniards departed. We went on shore again and buried our man, and the Spaniards came down again with a flag of truce; but we set sail, and would not trust them. From hence we went to a certain port called Tarapaca; where, being landed, we found by the sea side a Spaniard lying asleep, who had lying by him thirteen bars of silver, which weighed 4,000 ducats Spanish. We took the silver and left the man. Not far from hence, going on land for fresh water, we met with a Spaniard and an Indian boy driving eight *llamas* or sheep of Peru, which are as big as asses; everyone of which sheep had on his back two bags of leather, each bag

containing 50 lbs. weight of fine silver. So that, bringing both the sheep and their burthen to the ships, we found in all the bags 800 weight of silver.

Herehence we sailed to a place called Arica, and, being entered the port, we found there three small barks, which we rifled, and found in one of them fifty-seven wedges of silver, each of them weighing about 20 lbs. weight, and every one of these wedges were of the fashion and bigness of a brickbat. In all these three barks, we found not one person. For they, mistrusting no strangers, were all gone on land to the town, which consisteth of about twenty houses; which we would have ransacked if our company had been better and more in number. But our General, contented with the spoil of the ships, left the town and put off again to sea, and set sail for Lima, and, by the way, met with a small bark, which he boarded, and found in her good store of linen cloth. Whereof taking some quantity, he let her go.

To Lima we came the 13th of February; and, being entered the haven, we found there about twelve sail of ships lying fast moored at an anchor, having all their sails carried on shore; for the masters and merchants were here most secure, having never been assaulted by enemies, and at this time feared the approach of none such as we were. Our General rifled these ships, and found in one of them a chest full of reals of plate, and good store of silks and linen cloth, and took the chest into his own ship, and good store of the silks and linen. In which ship he had news of another ship called the *Cacafuego*, which was gone towards Payta, and that the same ship was laden with treasure. Whereupon we stayed no longer here, but, cutting all the cables of the ships in the haven, we let them drive whither they would, either to sea or to the shore, and with all speed we followed the *Cacafuego* toward Payta, thinking there to have found her. But before we arrived there she was gone from thence towards Panama; whom our General still pursued, and by the way met with a bark laden with ropes and tackle for ships, which he boarded and searched, and found in her 80 lbs. weight of gold, and a crucifix of gold with goodly great emeralds set in it, which he took, and some of the cordage also for his own ship.

From hence we departed, still following the *Cacafuego*; and our General promised our company that whosoever should first descry her should have his chain of gold for his good news. It fortuned that

John Drake, going up into the top, descried her about three of the clock. And about six of the clock we came to her and boarded her, and shot at her three pieces of ordnance, and struck down her mizen; and, being entered, we found in her great riches, as jewels and precious stones, thirteen chests full of reals of plate, fourscore pound weight of gold, and six-and-twenty ton of silver. The place where we took this prize was called Cape de San Francisco, about 150 leagues from Panama. The pilot's name of this ship was Francisco; and amongst other plate that our General found in this ship he found two very fair gilt bowls of silver, which were the pilot's. To whom our General said, "*Señor Pilot, you have here two silver cups, but I must needs have one of them*"; which the pilot, because he could not otherwise choose, yielded unto, and gave the other to the steward of our General's ships. When this pilot departed from us, his boy said thus unto our General: "*Captain, our ship shall be called no more the Cacafuego, but the Cacaplata, and your ship shall be called the Cacafuego,*" which pretty speech of the pilot's boy ministered matter of laughter to us, both then and long after. When our General had done what he would with this *Cacafuego*, he cast her off, and we went on our course still towards the west, and not long after met with a ship laden with linen cloth and fine China dishes of white earth, and great store of China silks, of all which things we took as we listed. The owner himself of this ship was in her, who was a Spanish gentleman, from whom our General took a falcon of gold, with a great emerald in the breast thereof, and the pilot of the ship he took also with him, and so cast the ship off.

This pilot brought us to the haven of Aguatulco, the town whereof, as he told us, had but seventeen Spaniards in it. As soon as we were entered this haven, we landed, and went presently to the town and to the Town-house; where we found a judge sitting in judgment, being associated with three other officers, upon three negroes that had conspired the burning of the town. Both which judges and prisoners we took, and brought them a-shipboard, and caused the chief judge to write his letter to the town to command all the townsmen to avoid, that we might safely water there, which being done, and they departed, we ransacked the town, and in one house we found a pot, of the quantity of a bushel, full of reals of plate, which we brought to our

ship. And here one Thomas Moon, one of our company, took a Spanish gentleman as he was flying out of the town, and, searching him, he found a chain of gold about him, and other jewels, which he took, and so let him go. At this place our General, among other Spaniards, set ashore his Portugal pilot which he took at the islands of Cape Verde out of a ship of St. Mary port, of Portugal, and having set them ashore we departed hence, and sailed to the island of Canno; and there our General landed, and brought to shore his own ship, and discharged her, mended and graved her, and furnished our ship with water and wood sufficiently.

And while we were here we espied a ship and set sail after her, and took her, and found in her two pilots and a Spanish governor, going for the islands of the Philippinas. We searched the ship, and took some of her merchandises, and so let her go. Our General at this place and time, thinking himself, both in respect of his private injuries received from the Spaniards, as also of their contempts and indignities offered to our country and prince in general, sufficiently satisfied and revenged; and supposing that her Majesty at his return would rest contented with this service, purposed to continue no longer upon the Spanish coast, but began to consider and to consult of the best way for his country.

He thought it not good to return by the Straits, for two special causes — the one, lest the Spaniards should there wait and attend for him in great number and strength, whose hands, he, being left but one ship, could not possibly escape. The other cause was the dangerous situation of the mouth of the Straits in the South Sea; where continual storms reigning and blustering, as he found by experience, besides the shoals and sands upon the coast, he thought it not a good course to adventure that way. He resolved, therefore, to avoid these hazards, to go forward to the Islands of the Malucas, and therehence to sail the course of the Portugals by the Cape of Buena Esperanza. Upon this resolution he began to think of his best way to the Malucas, and finding himself, where he now was, becalmed, he saw that of necessity he must be forced to take a Spanish course — namely, to sail somewhat northerly to get a wind. We therefore set sail, and sailed 600 leagues at the least for a good wind; and thus we sailed from the 16th of April till the third of June.

31. Letter from Viceroy Francisco de Toledo to the Governor of Rio de la Plata

[October 9, 1579. *The Narratives of the Voyage of Pedro Sarmiento Gambóa to the Straits of Magellan.* Translation by Clements R. Markham and published by the Hakluyt Society (1872), XCI, 206–208. Reprinted by permission of the Council of the Hakluyt Society of London.]

The following letter is evidence of the keen interest which Spain had in defending her colonies against the attacks of the English pirates.

A ship of English pirates passed by the Strait of Magellan into the South Sea, and arrived in the port of Santiago, of the Province of Chile, on the 4th of December of the past year 1578, robbed a ship of a quantity of gold that was in that port, and did other harm in other ports of this coast. On the 13th of February she arrived at the port of this city, being quite off its guard respecting any such strange occurrence. For having been so long in giving me notice from those provinces of Chile, nothing was done. The Governor was engaged in the war in Aranco,[1] and neither the officers nor the municipality cared to buy a vessel and bring me the news; whereby many losses and expenses might have been avoided which have fallen on his Majesty and on private persons, especially as regards a ship from which a large quantity of silver was stolen, going from this city to Tierra Firme. Much diligence was used to take this pirate, and two ships were sent in search of him. But as the sea is so wide, and he had run with all speed, it was not possible to catch him.

The thing that is most felt is that he will bring back intelligence of everything here, and that there is now facility for them to enter any day, by that door of the Strait, which has now been examined and made known to them.

In the year 1577 English pirates crossed from the North to the South Sea, by the forests of Tierra Firme, with the aid of the fugitive negroes who inhabit those parts. But the captain and troops that I sent from here captured them all, so that of those who had been in the forests not one remained, so that others might not be able to

[1] This should read "the war in Arauco." Arauco is a province of Chile, south of the city of Concepción.

undertake to do the like. Notwithstanding, his Majesty, in his great zeal for Christianity, has fortified and garrisoned the passage with galleys in the sea, and settlements of soldiers by land, so that the passage that way is well defended.

With regard to this part of the Strait it is necessary to provide a prompt remedy, and this, in a matter which is not known nor understood, will be difficult. We have decided to send two strong ships, well victualled, with good pilots and sailors, to make this discovery in this part of the South Sea. They are to examine and look out for the place where, with greatest convenience, some settlement or fortress may be established, with artillery. They are to occupy the entrance before any pirate can do so; and they are to find out whether in any part of the South Sea, or in the Strait itself, or outside in the North Sea, there is any settlement of the English, and in what part, and in what number, that such order may be taken as will be most conducive to his Majesty's service. Of these two ships, one is to return with the report of all that has been seen and has happened, after they have come out into the North Sea, and seen the entrances of the Strait, for it will be fruitless to provide a remedy for one, if the enemy can enter by the others. As it is possible that, by reason of the winter, this arrangement may not be practicable, and it may be necessary to winter somewhere, it is ordered that this is to be done either in the mouth of the Rio de la Plata, or in some port on the coast which is well sheltered.

In whatever district in the Government of Paraguay they may be, his Majesty will be well served, and I shall be particularly obliged for what may be done for the captain and soldiers, and for the good accommodation and treatment of their persons, and for what may be given for the necessary repair of materials they brought with them, that may be worn out. If the other ship should touch, which is to proceed to Spain, what is proper for it should be done. For if the captain and soldiers are not given all possible assistance, that they may secure the object for which they were sent, the expenses incurred by his Majesty will be fruitless.

The despatches which the captain or captains of the said ships may give into your charge for me or for this Royal Audience, are to be sent to me by way of Tucuman with all the speed possible, with a proper and trustworthy person, who will be ordered to expect the

reward for his labours here, and you are to advise his Majesty of your proceedings in this matter. With the messenger you will give me information of what you know respecting the ship or ships of the English, and whether they touched at any of the ports of those coasts, and how many; also whether this ship, or others, have gone to Spain and when; and whether you have news that the English have made any settlement on shore and where, and what number of people, and at what time they were in this port.

THE SPANISH INDIAN POLICY

32. Decree declaring Las Casas Official Protector of the Indians

[Madrid, September 17, 1516. L. A. Dutto, *The Life of Bartolomé de Las Casas* (1902), 151–152. Reprinted by permission of the publisher, B. Herder, St. Louis.]

The appointment of Bartolomé de Las Casas to the position of official protector of the Indians should be taken as an additional evidence of the paternal care of the Spanish monarchs for these peoples. Another decree of about the same time made him the Universal Procurator and Protector of all the Indians in America. Las Casas was thus enabled to work more effectively for a just and humane policy toward the wards of the crown of Spain in the Indies.

To Bartolomé de Las Casas, Clerigo, a native of Seville and a resident of Cuba in the Indies, *the King and the Queen.*

Inasmuch as we have been informed that you have resided for a long time in those countries, and that hence you are by experience familiar with their affairs, especially those wherein the welfare of the Indians is concerned, and inasmuch as you, by contact with them, have become well acquainted with their customs and manner of living, and whereas we know that you are zealous in the service of God and our own, which makes us hope that you will comply carefully and diligently with our commands and the duties of the charge we hereby give you, and that you will work for the welfare of the souls and bodies of the Spaniards as well as of the Indians; therefore, by these presents we command that you go to the Indies, to Hispaniola, to Cuba, to Porto Rico, to Jamaica and to the Continent, and that you advise, counsel and inform the devout Fathers of St. Jerome, whom we send to reform the Indies, and all other persons, who may coöperate with

them, about all the things concerning the liberty, humane treatment and salvation of the souls and bodies of said Indians of the afore mentioned Islands and Continent, and that you thence write to us, that you inform us, and that you come to inform us about everything done in said Islands; and in order that you may do everything in a proper manner for the service of Our Lord and our own in the performance of the duties of your office, we hereby give you unreservedly all powers directly or indirectly connected or annexed, ordinarily or extraordinarily necessary to the exercise of your office. And we hereby command our admiral and the judges of the courts of appeal and all other judges in said Islands and Continent, that they respect and cause to be respected this power which we hereby give you, and that they observe and cause to be observed the spirit and the letter of this decree under penalty of our displeasure, and a fine of ten thousand maravedis for each offense.

Given in Madrid the 17th day of September 1516.

F., *the Cardinal*
ADRIAN, *the Ambassador*

33. SPEECH OF LAS CASAS TO CHARLES V ON THE TREATMENT OF THE INDIANS IN AMERICA

[1519. L. A. Dutto, *The Life of Bartolomé de Las Casas* (1902), 274–278. Reprinted by permission of the publisher, B. Herder, St. Louis.]

The newly elected emperor of the Holy Roman Empire, Charles V, had been informed of the work of Las Casas as official Protector of the Indians. The controversies which had been aroused by the Protector's attack on the Indian policy of the Council of the Indies had come to the notice of the monarch. He called a conference in his palace, a short distance from Barcelona. Bishop Cabedo, Diego Columbus (the Admiral and Viceroy of the Indies), the grand chancellor, and others were commanded to attend. It was before these men and the emperor that Las Casas was commanded to speak. The following excerpts are from the speech which he delivered on the occasion.

Most powerful and most high lord and king.

I am one of the oldest immigrants to the Indies, where I have spent many years and where, I have not read in histories, that sometimes lie, but saw with my own eyes, and, so to speak, came in contact with the cruelties, which have been inflicted on those peaceful and gentle people, cruelties more atrocious and unnatural than any recorded of untutored and savage barbarians. No other reason can be assigned for them than the greed and thirst for gold of our countrymen. They have been practised in two ways; first, by wicked and unjust wars, in which numberless Indians, who had been living in perfect peace in their own homes, and without molesting anybody, were slaughtered. Their countries, that formerly teemed with people and villages without number, have been made desolate; secondly, by enslaving, after doing away with their chiefs and rulers, the common people, whom they parcelled among themselves in Encomiendas of fifty or a hundred, and cast them into the mines, where, overwhelmed by incredible labors, they all perish. In coming to Spain I left them behind to die whenever they come in contact with the Spaniards. And, alas! one of the originators of this tyranny was my own father, who, thank God, has not now anything more to do with it. At the sight of the injustices and atrocities inflicted upon a people, who had never harmed us, my heart was touched, not because I was a better Christian than anybody else, but because I am compassionate by nature. Hence I journeyed to these realms to inform his Catholic Majesty, your grandfather. I found him in Plasencia, where he kindly granted me an audience, during which I told him the things which I am about to detail to you. He was then on his way to Seville, where he promised me that measures would be adopted to correct the evils. But he died on the way, and my petition as well as his will in behalf of the Indians were frustrated. I next applied to the regents, cardinal Ximenez and his eminence the cardinal of Tortosa. They promptly enacted the necessary legislation to stop the tyranny and the slaughter of so many people. But the persons selected to execute their laws, to root out the poisonous source of so many crimes, and to sow instead the good seed, were found unfit for the task. When I heard that your majesty had come to Spain, I hastened to renew my representations to you, and had not your first high chancellor died in Zaragoza, a remedy would by this time have been found, and applied. I am to do the same work

over again. But I find that the ministers of the enemy of all good are not wanting here about, who endeavor, through their selfish interests, to block my way. Sire, the spiritual interests of your soul excepted, nothing is of greater importance to your majesty than the finding of a remedy for these evils. For not one of your European kingdoms or all of them together equal in vastness and greatness your transatlantic possessions. In telling you so, I feel certain of rendering to your majesty as great a service, as mortal vassal has ever rendered to his king. For so doing I ask no reward or favor, inasmuch as my first object is not to do a service to your majesty. I desire to speak with all the respect and reverence due to as high a personage as my king your majesty. But, were I not bound to do so, as liege to my lord, I would not, forsooth, move to the corner of this room to do you service, if I did not think and know that, by so doing, I would make a pleasing offering to God, who is a jealous God, and does not share with others the honors and glory due to Him by His creatures. For His honor and glory alone, I have undertaken this selfimposed task. But I know that I cannot take a step forward without doing, at the same time, an inestimable service to your majesty. That the meaning of my words may not be misunderstood, I hereby renounce and decline any favor or temporal reward that your majesty might hereafter offer me. And should it come to pass that I, either personally or through a third party, directly or indirectly, should solicit any favor or reward for my services, I am willing to be branded as a liar and a traitor to my lord the king.

The people of whom the New World is swarming are not only capable of understanding the Christian religion, but amenable, by reason and persuasion, to the practice of good morals and the highest virtues. Nature made them free and they have their kings or rulers to regulate their political life. The bishop of Darien has told you that they are *servi a natura* because the philosopher (Plato) said at the beginning of his *politicus* that *vigentes ingenio naturaliter sunt rectores et domini aliorum*, whereas the *deficientes a ratione naturaliter sunt servi*. Between the meaning attributed to those words by his lordship and that intended by the philosopher, there is as much difference as between heaven and earth. But granting that the bishop understood him right, the philosopher was a pagan, who is now burning in hell, and those of his doctrines only must be followed, which do not contradict our Chris-

tian morals and our Christian faith. Our holy religion adapts itself equally as well to all the nations of the world; it embraces them all and deprives no human being of his natural liberty under pretext or color that he or she is *servus a natura*, as the bishop, if I understand him right, would have you believe. Sire, it therefore behooves your majesty that you banish, at the beginning of your reign, that gigantically tyrannical system, which, horrible alike in the sight of God and man, is the ruin of the majority of mankind. This do, in order that Our Lord, who died for those people, may bless and prosper your rule for many days to come.

34. The Bull Sublimis Deus Sic Dilexit

[Rome, June 17, 1537. L. A. Dutto, *The Life of Bartolomé de Las Casas* (1902), 383–384. Reprinted by permission of the publisher, B. Herder, St. Louis.]

The bull *Sublimis Deus Sic Dilexit* was translated by Las Casas (who received a copy of it at Rabinal in 1538) into Spanish and distributed wherever he felt that it might be useful. It was translated into English by the Reverend L. A. Dutto for his *Life of Bartolomé de Las Casas*.

Inasmuch as man was created, as the scriptures teach, to enjoy eternal life and eternal happiness, which cannot be obtained without faith in Christ, it necessarily follows that he must be naturally fit to receive it. Whoever therefore has the nature of man is capable of receiving the faith of Christ. Nobody in fact, who can understand what faith means, can be so deficient in intelligence as to be unable to understand the means by which it is transmitted. Hence Our Lord, who is truth itself, and can neither deceive nor be deceived, said to the first preachers of the faith, when he appointed them to their office: "*Go and teach all nations.*" He said, *all nations*, without a single exception, because all are capable of the faith. The devil, who is the enemy of mankind and of all good works, to prevent God's children from reaching their eternal destiny, invented a new and unheard of method to prevent the faith being preached to the people and thus prevent their salvation. This method consists in persuading some soldiers, his allies, to constantly proclaim that, inasmuch as the Indians and other people,

who inhabit the regions in our own times discovered to the west and to the south of us, are not capable of the faith, we may make the same use of them in our temporal affairs that we make of the beasts of the fields.

But we, who, although His unworthy servant, have been appointed by Jesus Christ his vicar on earth, and who with all our power endeavor to bring into His fold the sheep entrusted to our care, considering that the Indians, who are true men, not only are capable of the faith, but, as we are informed, earnestly desire to embrace it; in order to stamp out this pernicious doctrine, by our apostolic authority and by these present . . . define and proclaim that said Indians or any other people, who may be hereafter discovered by Catholics, although they be not Christians, must in no way be deprived of their liberty or their possessions, and that on the contrary they may and must be allowed to enjoy freely and lawfully of said liberty and possessions; that they must not be in any manner enslaved; and that, if they be so enslaved, their slavery must be considered as null and void.

By the same apostolic authority we define also that the said Indians must be called to the faith of Jesus Christ by the word of God and the examples of good and holy lives.

Given in Rome the 17th of June 1537.

PAUL POPE III.

35. THE NEW LAWS FOR THE INDIES

[Barcelona, November 20, 1542. Pedro de Cieza de León, *The War of Chupas*, CXLII, 340–360. Translated by Sir Clements R. Markham and published by the Hakluyt Society (1917). Reprinted by permission of the Council of the Hakluyt Society of London.]

The New Laws for the Good Treatment and Preservation of the Indians were decreed by the Emperor Charles V. They were the results primarily of the work of one man, Fray Bartolomé de Las Casas. He had worked assiduously for more than forty years for an enlightened Indian policy. During the greater part of that time he had engaged in controversy over the subject with men powerful in the civil and ecclesiastical affairs of Spain. The storm of protest which the New Laws aroused in the Indies caused the Emperor Charles V to abrogate

them in 1545. It cannot be said, however, that the work done by Las Casas was undone by their abrogation. He had aroused a public opinion which continued to defend the right of the Indian to the position of a vassal of the crown of Spain, and which ultimately placed him in a class apart, as a ward of that crown with a corps of special officers to take care of him and his rights.

. . . . . .

Know ye that for many years we have had the wish and determination to occupy ourselves with the affairs of the Indies, by reason of their great importance both in matters appertaining to the service of God our Lord and the increase of our holy catholic faith as well as in those relating to the welfare of the natives of those parts, their good government and the preservation of their persons. Although we have endeavoured to attend to these affairs, this has not been possible, owing to the numerous and constant distractions which have arisen and which we could not neglect, and to the absence from these Realms which I the King have been obliged to incur for reasons which are notorious to all. Inasmuch as these constant occupations have not ceased even in the present year, we have ordered persons of all estates, prelates as well as knights, and clerics, and some members of our Council to study and consider matters of the highest importance respecting which we have received information, in order that a decision may be reached. The subject was maturely argued and discussed, and several times considered and debated in my presence. Finally, having consulted the opinions of all, I have resolved to command, decree, and ordain the things now herein contained, which, besides the other ordinances and provisions which from time to time we have ordered to be enacted, we command to be observed inviolably as laws from henceforward.

I. Firstly, We order and command that the members of our Council of the Indies who reside at our Court and meet every morning for three hours and in the afternoon for such time as is necessary, as business may arise, shall in future attend in the same way as hitherto. And as in the said Council there are a number of Judges, we order and command that in the cases in which they all sit, which are the suits of five hundred *pesos de oro* and upwards, three votes in agreement may pronounce a decision, and when the other votes differ among them-

selves, the three can and shall determine the case. And for the quicker settlement of cases not exceeding the said five hundred *pesos* two members of the Council may hear and, if in agreement, settle them.

. . . . . .

X. As one of the principal things in which the said *Audiencias* are to serve us is to take very special care about the good treatment and preservation of the Indians, we command that they shall always keep themselves informed of excesses or bad treatment which are or may be committed by Governors, or by private persons, and of how these have observed the Ordinances and instructions that have been given them, which have been made to ensure the good treatment of the Indians; and in so far as such excesses have been or may in future be committed, let the said (*Audiencias*) take care to remedy, by punishing the offenders with rigour in conformity with justice; and in suits between Indians or against Indians, let them not permit ordinary procedure to be followed, nor allow the hearing to be protracted, as sometimes happens through the jobbery of some advocates and attorneys, but let them be settled summarily, allowing weight to their usages and customs, if they be not clearly unjust; and let the said *Audiencia* take care that this is observed by the other lesser judges.

XI. We decree and command that from now onward, neither because of war, even though under the category of rebellion, nor by barter, nor for any other cause in any other way, may any Indian be made a slave; and we wish them to be treated as our subjects of the Crown of Spain, for that they are.

No persons may make the Indians serve by way of "naboria" or "tapia," nor in any other way against their wills.

As we have decreed a provision that from now henceforward no Indians shall be made slaves, both with regard to those who up to this time have been made so against justice and right, and against enactments and instructions issued, we direct and command that the *Audiencias* summoning the parties shall summarily and briefly, merely ascertaining the truth, without legal quibble, place the enslaved at liberty, unless the persons holding them as slaves can show a title that they hold and own them legally. And in order that Indians should not be held unjustly as slaves for lack of persons to urge the aforesaid, we command the *Audiencias* to appoint persons to manage such suits

on behalf of the Indians, and to remunerate them from fines of the Court; and let them be men of integrity and diligence.

XII. We order that, for the protection of the Indians, the *Audiencias* are to take special care that these do not carry loads; or, if in some parts it cannot be avoided, that it be done in such a way that the load be not so heavy as to endanger the life, health or preservation of the said Indians, nor be done against their wills, nor unless they are paid. In no circumstances is such work to be forced on them; let those who act otherwise be very severely punished. In this no exception is to be made for any person whatever.

As we have been informed that the pearl fishery has not been conducted with the good order that is desirable, and that it has resulted in the deaths of many Indians and Negroes, we order that no free Indian shall be taken to the said fishery against his will, under pain of death; and let the Bishop and the Judge who may go to Venezuela direct what may appear to them just in order that the slaves employed in the same fishery — Indians as well as Negroes — be protected, and deaths cease. And if it should appear to them that the risk of death cannot be avoided by the said Indians and Negroes, then let the pearl fishery cease; for, as is reasonable, we value much more highly the preservation of lives than the profit which may come to us from the pearls.

As the viceroys, governors and their lieutenants, and our officers, prelates, monasteries, hospitals, religious houses, mints, as well as officers of our revenue, and other persons favoured as officials hold Indians in *encomienda*, and as disorders have arisen in the treatment of those Indians, it is our will and we command that all the Indians they hold and possess shall be promptly placed under [the protection of] our Royal Crown, by whatever title they may have been held by those who are or were viceroys, governors or their lieutenants, or any of our officials of justice, of revenue, of hospitals, confraternities, and other similar bodies. Although the Indians may not have been placed in *encomienda* by virtue of the said officers, and though the said officials and governors should say they would rather resign their official positions and keep the Indians, they are not thereby excused from compliance.

We further order that all persons who hold Indians without having a title, but have possessed themselves of them on their own authority, are to give them up and place them under our Royal Crown. As we are informed that other persons, though they hold a title, have been

given *repartimientos* in excessive quantity, we order our *Audiencias*, each one within its own jurisdiction, to inform themselves fully about this and with all possible despatch, and to reduce the *repartimientos* of such persons to fair and moderate proportions, the rest being promptly brought under our Royal Crown, in spite of any petition and appeal that such persons may make. The *Audiencias* are to send an early account of what they have done that we may know how our commands have been obeyed. In New Spain let especial adjustment be made of the Indians held by Juan Infante, Diego de Ordás, the Master Roa, Francisco Vázquez de Coronado, Francisco Maldonado, Bernardino Vásquez de Tapia, Juan Xaramillo, Martín Vásquez, Gil González de Benavides, find out about such persons and award them, from the tribute the Indians who may be released will have to pay, what shall appear to them a sufficient sustenance and fair provision for the said *conquistadores* who are without *repartimientos*.

The said *Audiencias* shall enquire how the Indians have been treated by the persons who have held them in *encomienda*; and, if it should appear that they ought in justice to be deprived of their Indians, owing to excesses and ill treatment of them, we order that they be promptly so deprived, and that such Indians be placed under [the protection of] our Royal Crown. The Viceroy and the *Audiencia* shall furthermore enquire, with reference to settlers in Peru, into the excesses which followed the affair between the Governors Pizarro and Almagro, in order to send us a report on the subject; and from the leaders whom they find chiefly to blame in those revolutions let them take any Indians they hold, and place them under the protection of our Royal Crown.

We further order and command that from now forward no Viceroy, Governor, *Audiencia*, explorer, or other person whatsoever, has the right to allot Indians in *encomienda* whether by original indenture, transfer, gift, sale, or in any other form or manner, nor by voidance or inheritance; but when a person who owned Indians dies let them be placed under our Royal Crown. It shall be the duty of the *Audiencias* to forthwith inform themselves specially about the person who dies, his condition, merits and services, how he treated the Indians he held, whether he left wife and children, and what other heirs, and to send us a report of the nature of the Indians and the estate, that We may dispose what may be proper for our service, and grant such aid as shall seem good to us to the widow and children. If in the mean-

while it should appear to the *Audiencia* that it is necessary to provide some maintenance for such widow and children it may be done by making them a moderate allowance from the tribute to be paid by the said Indians, the Indians themselves remaining under our Royal Crown as above stated.

XIII. We order and command that our said Presidents and Judges take great care that Indians who become liberated or unclaimed in any of the above ways be very well treated, and instructed in the doctrines of our holy Catholic faith, and remain, as our subjects, free men. This is to be their principal care and that to which we would have them pay particular attention, and in which they can best serve us; and let them see to it that the Indians are governed with justice in the orderly way that the Indians who are under the protection of our Royal Crown are now governed in New Spain.

As it is reasonable that those who have served as explorers of the said Indies, and those who have helped by settling in them and have their wives there, should have preference in the benefits, we order that in making appointments to magistracies and other positions of advancement our Viceroys, Presidents, and Judges of our said *Audiencias* shall prefer the first *conquistadores*, and after them the married settlers, provided that they are persons competent to fulfil the duties; and until these are provided for, no other person be considered.

As the hearing of lawsuits brought by Spaniards claiming Indians has been followed by serious objections, it is our pleasure and we direct that from now forward such suits shall not be heard either in the Indies or in our Council of the Indies, whether in respect of Indians under our Royal Crown or in the possession of another third party; but that every claim that may be preferred upon this subject shall be submitted to Us, in order that after obtaining the information proper to the case we may order it to be settled. Any suit that is now pending, whether before our Council in the Indies, or in any other place, we order to be suspended and not heard further, the case being referred to Us.

. . . . . .

In addition to the aforesaid we command the said persons who are exploring at our orders to promptly make a valuation of the tribute or service which the Indians in the land discovered should render as our vassals, and let the same tribute be moderate, so that they can endure it, bearing in mind the preservation of these same Indians;

and the *Comendero*, where there is one, may be supported from such tribute. In this way let the Spaniards have neither authority nor intimacy with Indians, nor any ascendancy or command (over them) and let them not make use of them either for domestic service or in other way whatever, in much or in little, nor do more than enjoy their tribute in accordance with the rules which the *Audiencia* or Governor may issue for its collection. Let this (be in force) until We, being informed of the quality of the land, decree what settlement is proper. And let this be placed among the other clauses of the contract with the said explorers.

It often happens that persons who live in the Indies come or send to beg us to grant a favour about some affairs of theirs out there, and that from not having knowledge here concerning the character of persons who submit such petitions, or their merits or ability, nor respecting the substance of their petitions, the case cannot be duly and satisfactorily dealt with. We therefore decree that such a person should show cause before the *Audiencia* on the spot for what he wishes to petition Us, so that the Judges of the said *Audiencia* may inform themselves respecting the character of the petitioner and the particulars of his plaint; and let them send such information, together with their opinion thereon, closed and under seal, to our Council of the Indies, so that by this means more light may be thrown on what decision it will be proper in our interests to come to.

It is our will and we decree that the Indians now alive in the islands of San Juan, and in Cuba and Española, both for the present and as long as it shall be our pleasure, be not oppressed with tribute or other royal services, whether of a personal or mixed kind, in excess of what is due from Spaniards who reside in the said islands; but let them be left at their ease that they may the better increase and be instructed in the tenets of our holy catholic faith; and with this object let suitable religious persons be assigned them.

The said Ordinances and matters comprised in this our letter, each one matter and every part thereof, we command you all and each one of you, in your said places and jurisdictions respectively, as aforesaid, to abide by and carry out and cause to be observed and obeyed and executed in all respects unreservedly and with the utmost diligence and particular care as laid down in this our letter. You are neither to go against nor overstep its form or meaning, nor allow it to be contravened or exceeded either now or at any time whatsoever, or in any

manner: under the penalties stated in it. And in order that all the above-mentioned [provisions] may be the more widely known, especially among the natives of our said Indies in whose behalf and for whose benefit it is enacted, We command that this our letter be printed from type and sent to all our Indies to the *religiosos* entrusted with teaching the said Indians, whom we charge to get it translated into the Indian language, that these may understand it better and know what is provided. Let no party fail in this in any respect, on pain of our displeasure and [a fine of] a thousand *castellanos de oro* for our treasury for each one who shall act to the contrary. Furthermore, We command the man who will show you this letter to summon you, and you to appear, before Us at our Court wherever We may be, within one year from the date of such summoning, under the said penalty; under the which likewise we direct our public notary who shall be called for this duty to deliver a certificate signed with his sign to the effect that he has shown this [letter] to you, that we may know how our command is obeyed.

Given at the city of Barcelona on the twentieth day of the month of November, in the year of the birth of our Saviour Jesus Christ one thousand five hundred and forty-two.

I THE KING.

I, JUAN DE SAMANO, Secretary to their Cæsarian and Catholic Majesties, caused it to be written by Command.

FR. GARSIAS, *Cardinalis Hispalenis.*
DOCTOR HUEVARA.
DOCTOR FIGUERVA.
Registered. OCHOA DE LUYANDO.
For the *Chancellor.* OCHOA DE LUYANDO.

36. PRONOUNCEMENTS OF THE ECCLESIASTICAL COUNCIL OF MEXICO CITY

[1546. L. A. Dutto, *The Life of Bartolomé de Las Casas* (1902), 519–520. Reprinted by permission of the publisher, B. Herder, St. Louis.]

The ecclesiastical council held in Mexico City in 1546 was called to deal with a variety of matters. Among them were those that had to do with the relations between the Spaniards

and the Indians. All the bishops and most of the prominent ecclesiastics of New Spain were in attendance on the council. Bartolomé de Las Casas, who had been appointed bishop of Chiapas in 1543, made the long journey from that bishopric to Mexico City. Several resolutions were adopted, the five given below being considered by Dutto as of very great importance. The fact that this council met a year after the abrogation of the New Laws makes the action of that body all the more remarkable. The tenor of the pronouncements would indicate that the influence of Las Casas was still very great in any deliberative gathering in which the Indian policy of Spain was under consideration.

1st. All persons, no matter what sect or religion they may profess, and no matter what sins they may have been guilty of, rightfully own and possess what they acquired without prejudice to others. The principle applies to their kingdoms, principalities, seigniories, dignities and jurisdictions.

2nd. Only one method was appointed by divine providence to teach the true religion to pagans, i.e. that which through the reasoning faculties convinces the intellect, and attracts the will by the gentle ways of charity. This applies to all mankind irrespective of errors and corruption of morals.

3rd. The Holy See, in granting the supreme dominion over the Indies, had only one object in view, and that was the preaching of the gospel, the spread of the Christian religion, and the conversion of the aborigines. It did not intend to make the Castilian monarchs greater or richer princes than they were before.

4th. In making said grant the Holy See did not intend to deprive the native rulers of their estates, jurisdictions or dignities. Much less did it mean to confer upon the kings of Spain the powers to do aught that might retard or obstruct in any manner the conversion of the natives.

5th. The kings of Spain, inasmuch as they offered and bound themselves to provide the means for preaching the gospel in the Indies, are obliged by the law of God to pay the necessary expenses of the evangelical laborers.

37. Memorial of the Procuradores of New Spain to the King concerning Permanent Encomiendas

[Undated. Charles W. Hackett (Ed.), *Historical Documents relating to New Mexico, Nueva Vizcaya, and Approaches Thereto, to 1773* (1923), 147, 149, 151. Collected by A. F. A. Bandelier and F. R. Bandelier and published by the Carnegie Institution of Washington.]

The *procuradores* (lawyers) were men who represented a given district (usually a city) in the Indies at the court of Madrid. In this particular document the *procuradores* urged the king of Spain to grant *encomiendas* in perpetuity as the best means of solving the most serious problems connected with the Indian policy. The reasons advanced by them are sharply in contrast with those of Las Casas and the reformers.

SACRED CATHOLIC IMPERIAL MAJESTY

We, the *procuradores* of New Spain, affirm that it is necessary, as is clearly shown by the evidence and opinions and petitions which we have given, that for what touches upon the service of God and of your Majesty and the good of the natives of those parts and the perpetuity of them and of the Spaniards who reside in them, the Indians who are in them shall be given in perpetuity, and that by any other way none of the aforesaid things can be done. But it has come to our notice that opinions have been given by the religious who have come from there, and, since we came through that province and are informed upon its affairs, and since the purpose and Catholic zeal of your Majesty is to know the truth, in order to take proper measures, we humbly supplicate that your Majesty order that they (the opinions of the religious) shall be shown to us, so that, after seeing them, we can explain whatever may be doubtful or perplexing.

Your Majesty must know that all the religious of New Spain joined together, and, with the agreement of all, each order gave its opinions for itself and sent them before your Majesty. And it would not be just that what was given with so much deliberation by all should be altered now, especially as they have been persuaded and drawn to it by we do not know whom, nor in what sense they understood it, since they have changed so inconsistently in so short a time and with so

little foundation. In order that it may appear more clearly in what form it has been given, we supplicate that your Majesty command the religious of the orders of Saint Dominic and Saint Augustine to show and declare what all had agreed upon among themselves and the opinions which they have given, for it is not proper that what we and all the states and prelates of the Indies so justly ask for shall be obscured by individual passions, and that doubt shall be placed where there is none and where they have sworn to the contrary.

We say, moreover, that especially there should be procured the opinions of persons who are in this court. We beg that your Majesty inform yourself upon the character of such persons and the experience that they may have, and what motives they have to give their opinions for personal ends and, if your Majesty please, we will submit evidence concerning these persons.

Moreover, leaving all the aforesaid apart, and notwithstanding any opinions that may be given, we say that since things must be judged by their results, let the difficulties be considered that have arisen every day, still arise, and may be expected to arise, in what at present is proved to be always going from bad to worse, as is well known. For this reason, if it pleases your Majesty, measures should be taken quickly.

And beside what has been said in confirmation of this, and in order that your Majesty may make in this New World the grants that we have prayed for, we say that although it may be true that at the beginning of the discovery of the Indies there may have been, through lack of experience or of merit in the Indians, some (cases of) ill-treatment in some parts of the Indies, it has not been so in New Spain, nor would it be just that those of the present and future should suffer for those who offended in that respect, the more so as that which is now asked upon our part is founded upon such evident reasons that if the service of God and that of your Majesty should cease all would be lost. And all those who have reported, collecting and exaggerating ill-treatments of Indians, have kept quiet about the many good treatments and good works that have been done and are done in New Spain every day, which, in compensation, exceed the bad ones of past times, which I admit may have occurred. This cannot now be judged of, for those who they say did them are not alive, and even God, because of the few good ones that he might find in the towns

which he commanded to be burned, would pardon them. Thus, for the measure of perpetuity, what was committed many years ago by individual persons, perhaps with reason and necessity, ought not to be taken into consideration, for if we look at what is committed in Spain in one year, if it were reported jointly, much more scandal would be aroused than by all which I admit may have been done for gain in the Indies in many years. But we are not now trying to get permission to ill-treat the Indians, but to seek a means by which they may be perpetuated, and with what we ask it will be done.

We beg, moreover, that your Majesty command an examination be made of the arguments which we have given. Many others could be given why there cannot be perpetuity unless Indians are awarded, for there would be no one to cultivate the land or practice trades or work on farms, so that there might be profits. Nor will the Spaniards apply themselves to it unless they know that they are to have Indians in perpetuity. Intercourse with the Spaniards increases trade, but there cannot be Spaniards except in the way we have said. From these, great riches have come and are still drawn every day, which have been drawn, not from what the Indians give, but from what the Spaniards who have Indians have secured. Besides this, it is a false premise to say that it will be perpetuated by giving annuities and perpetual incomes to the Spaniards, and those who say this do not consider that the basis of where and how these incomes are to be provided is lacking. And above all, they do not consider that the religious, who have gone there and are still there, and the churches are not supported by the Indians and that it is with what the Spaniards do that the religious have the means of preaching the Christian doctrine.

It ought also to be considered that nothing is taken nor asked from the Indians except what they are able to give. He who has to give tribute of the things that are raised among them only gives it when there is enough, and those who do not possess this give personal service, which is not injurious to them, either in their souls or their bodies, as well because of the idleness from which it frees them, the light work given them, the intercourse that they receive, and the manners they acquire, as because it has always been the custom in those parts since their foundation to have those personal services.

To avoid the possibility of excess, both the one and the other [per-

sonal service and tribute] may be placed within the limits of reason. And, besides, the Indians are too intelligent to consent to injury and know how to resist it as successfully as educated Spaniards. If those who govern in the name of your Majesty take heed of it, it will assure them better treatment and care than are received by the vassals of Castile, especially since what we are asking for is for the good of the natives, for the reasons which we have stated in this article and which appear in the reports. We beg that these be examined and read, and that in whatever seems doubtful your Majesty will be pleased to order us to be called and heard, so that this great matter may be well understood; for we came in the name of this celebrated province of the world, and have (sufficient) experience in its affairs to speak of them with that freedom and truth which ought to be shown before such an exalted presence, so that your Majesty, being informed of all, may take such measures as are most suitable to your service.

ALONZO DE VILLANUEVA. GONZALO LÓPEZ.

38. LETTER FROM PERALTA TO THE KING OF SPAIN, DEALING WITH THE JESUIT REDUCTIONS OF PARAGUAY AND PARANÁ

[1745. Father Pierre François Xavier Charlevoix, *The History of Paraguay* . . . (1769), II, 351–360. Published by Lockyer Davis, London.]

Don José de Peralta, a member of the Dominican order and successor to Don Pedro Faxarado as bishop of Buenos Aires, had made, at the order of the king, Philip V, and as the special commissioner of His Majesty, a visit of inspection to the Jesuit Reductions of Paraguay and on the Paraná. On his return to Buenos Aires he wrote a detailed account of his observations and experiences. The excerpts here given are taken from this letter.

After giving his Majesty an account of the haste he had made by his orders to repair to his diocese, as it was feared the English were meditating a descent in one of the Ports of it, he goes on thus:

As soon as I entered it, I began by visiting the parishes on my road; and, after taking possession of my cathedral, continued to visit the neighbouring churches and chapels, in which I confirmed about ten thousand persons of

every age, and both sexes. When I had finished this visit, to comply with every part of my duty, I visited the churches and chapels of Santafé, Corrientes, and the Doctrines, which lie at a great distance in the inland country, and are governed by the Fathers of the Company of Jesus.

The town of Santafé, which lies about a hundred leagues from Buenos Ayres, was formerly the most flourishing of all this diocese, and even that of Paraguay, which contained most nobility. It is well built, and most advantageously situated between two rivers, which water a fertile country. But, within these two years, it has suffered greatly in the extent of its territory, and the number of its inhabitants, by the continual inroads of the Guaycurus and the Charuas, who never appeared there till the year 1716. They began by making little incursions into the country, from whence they carried off the cattle; after this, they formed a body of horse, and redoubled their hostilities, but still in the way of treachery and surprize, till they ruined almost all the inhabitants of Santafé. The Jesuits, in particular, have been such considerable losers by their depredations, that they have scarce left wherewith to maintain Fathers enough to go through the duties of their college. At length, the fear of falling into the hands of these Savages obliged several of the inhabitants to withdraw elsewhere. Those who remain are in the same condition with the inhabitants of Bethulia, when besieged by Holofernes. They can scarce cultivate the little land that lies nearest to the city; and are, besides, obliged to bring home their cattle to it every night.

It is true, that, some years ago, a peace was made with these Barbarians, but it was of no use to put a stop to their depredations; they have declared, it seems, that they only bound themselves not to murder any one; though, after all, it is not safe to fall into their hands. It is this that has brought Santafé to the lowest ebb. Most of its inhabitants have taken refuge in the mountains, where they cannot hear the word of God, or the voice of their Pastors; nor even enjoy the comfort of assisting at the Divine Mysteries. However, to secure this peace, such as it is, a corps of militia has been raised, and is still kept on foot. But to do this, it was requisite to enlist those who should be employed in cultivating the earth; and, after all, it is reduced to half the number of which it originally consisted, so that, unless some measures are taken to remedy this evil, the town will soon have no garrison to defend it. I thought it my duty, Sire, to inform your Majesty of the dangerous situation of this place, that you may give orders for completing its militia, or even encreasing it if requisite.

From Santafé, I directed my course towards the Reductions governed by the Fathers of the Company of Jesus, the nearest of which lies one hundred leagues from this place. This journey is very difficult, and somewhat dangerous; the roads being bad in themselves, and lying through an uninhabited country; infested, however, by Barbarians and wild beasts, and intersected by large rivers, the navigation of which, being against the stream, is very difficult, and not without danger. There are seventeen of these Reductions within the diocese of Buenos Ayres; and thirteen, within that of the Assump-

tion. After visiting those belonging to my own diocese, I repaired to some of the others, at the request of the Chapter of the Assumption, the see of which happened to be then vacant, in order to administer the Sacrament of confirmation in them; and, as I make no doubt but your Majesty will be very glad to hear the progress made by these poor Indians in the Christian faith, I shall lay before you what I have seen with my own eyes, and, as it were, examined with my own hands, with so much consolation, that it made me soon forget the great hardships and fatigues it cost me to make this visit.

And, indeed, what other sentiment could be produced by the sight of so great a multitude of sheep, who, tho' separated from one another, live, under the direction of their Pastors, with so much uniformity and harmony, that they seem but one flock. I was not a little concerned at being obliged to leave them; and set out, my heart overflowing with the most tender devotion, and thanking the Lord for the blessings unceasingly poured down on these poor people, through the ministry of a number of Religious, Holy, and Apostolical men, entirely taken up with the care of instructing and strengthening them in the Catholic Faith, and in forming them for your Majesty's service, by inspiring them with a loyalty and zeal, which could not be greater, even had they inherited these virtues from their forefathers. What a comfort it is, to assist at their solemn music; to behold the riches and elegance with which their churches and altars are decorated; the decency and devotion with which they yield in them to God the homage that is due to him; the magnificence, with which they celebrate the Divine Mysteries; and the tender love they express for Jesus Christ in his august Sacrament! So unusual a sight, at the same time that it melted me into tears, overwhelmed me with confusion, as it made me make the most mortifying reflections on the wide difference between these people, as yet novices in the faith, and the old Christians, by whose lives they should have been taught to honour and respect their common master.

What made the most impression on me, was to behold, at day-break, a cloud of children of both sexes, the girls separated from the boys, enter the church, in order to celebrate the praises of the Lord, in canticles capable of inspiring the hardest hearts with the tenderest devotion. The same is practised at sun-set; and all this, through the industry of the Missionaries, who do not, however, confine their attention to the wants of the soul, but extend it to those of the body. As soon as they have taken proper measures for the construction of the churches, and for procuring a supply of every thing requisite for the celebration of Divine service, they go into the fields with their Neophytes in order to chuse the lands fittest for grain and cotton; they, then, supply them with seed, oxen, and plows; with so much foresight, and such universal charity, as it is not in the power of words to express.

As the Divine Worship is the principal object of their attention, there are schools for teaching the little children to sing, and the dances which make part of the rejoicings used at their festivals; and there is a spot of ground sowed apart for these children. In a word, Sire, these Neophytes constitute

so considerable and so deserving a part of your Royal patrimony, that I doubt if your Majesty has any other that excels it. It often happens, that the crops are not sufficient for their subsistence; which is partly owing to their not sowing seed enough, as they content themselves with little. But, there is a further quantity of seed sown, every year, for the widows, the orphans, the sick; and especially those employed in necessary occasions at a distance from home, for whom more is sown than for the three other purposes. Of the crops produced by this last seed, a portion is laid up to answer unexpected calls, which are likewise answered by cattle reared apart for the use of the sick. In short, of all the private or publick crops nothing is sent to the other provinces; and this, because, in spite of the greatest precaution, they are never sure of having enough for the current year. These Indians, likewise, derive great advantages from the leaves of a tree, which they dry, with a gentle heat, and afterwards reduce into powder. This is what they call Paraguay Herb. A certain portion of it is daily distributed to each of them; for it is now become as indispensably necessary as food itself.

This, however, is the only produce of their lands they dispose of, to procure themselves a great many things, which their country does not yield. What remains is employed in the service of God and that of your Majesty; namely, in purchasing embelishments for their churches, ornaments for their altars, sacred vessels and other necessaries for the celebration of the divine mysteries, and another use equally indispensable. Besides the Missionaries actually employed in the Reductions, there must be a reserve always in readiness to help or succeed them. I saw two of them die during my visitation. Now, it costs a great deal more to support these supernumeraries, and defray their voyages, than is allowed by the truely royal piety of your Majesty. It is incredible, how high the charges of an embarkation run, especially in time of war, when the new Missionaries meet with long delays at Cadiz. Now, to answer all these calls, the Neophytes lay by a certain portion of what their commerce produces.

They allot another portion to purchase horses, arms, military stores, cloathing for the soldiers and others called out into your Majesty's service. There is, at present, a great number of them at work on the fortifications of Montevideo. They are likewise obliged to keep constantly on foot a body of militia, to guard against sudden surprizes, and for the defence of their cattle against the parties, which are perpetually hovering about them, and continually forming ambuscades to plunder, massacre, or make slaves of them. These expences put together very often reduce them to such straits, that it is impossible for the Agents of the Missions to give them all the relief they stand in need of, especially in bad years.

It is for these reasons, I imagine, that these Indians have been exempted from tithes; and they enjoy this privilege in common with those under the direction of the religious of St. Francis. For this reason, when some persons would have had me exact them from the former, I did not think proper to take their advice, as the produce of their labour and their commerce does not

go all to themselves, as it does to those, who cultivate the ground in the other Provinces of Paraguay, and in those of Peru and Chili; part of it being expended in the service of God, and that of your Majesty; for, next to the service of God, the chief attention of the Missionaries is to promote your Majesty's; and they have so zealously trained up their Neophytes in it, that, though a famine and the small pox have lately carried off great numbers of them, you may still rekon on twelve or fourteen thousand men, in constant readiness to act in any capacity, and in any place, your Majesty may think proper to employ them; as they have done of late years in the Province of Paraguay, where they gave the most surprizing proofs of courage, and of their loyalty and attachment to your Royal person; having supplied themselves, at their own expence, with horses, arms, ammunition; and chearfully exposed themselves to the greatest dangers. I thought it my duty, Sire, to give you a plain and sincere account of all these matters, that your Majesty, when well informed of every particular relating to these poor Indians, may be graciously pleased to acknowledge their loyalty and their services, and likewise reward the zeal and fatigues of the Evangelical labourers who direct them.

Besides the Reductions I have all this time been speaking of, there is another, the first foundations of which were laid by the Fathers of the Company among the *Pampas*, who, of late years, committed great disorders in the neighbourhood of Buenos Ayres, and on the road between it and Chili. Don Miguel de Salcedo, your Governor of Rio de la Plata, having raised a squadron of horse, sent out along with it a Jesuit, whom he charged to treat with those Infidels, who are settled, in great numbers, on this side of America, and on the borders of Chili; and his project has been crowned with success. The Missionary spoke to these Mountaineers, and engaged them to make peace with the Spaniards, and send four of their Caciques to Buenos Ayres to sign it. One of the articles is, that they should restore all the captives carried off by them within these few days. Other Caciques are arrived at Santafé, and have earnestly applied to the Rector of the College there, for two of his Religious, to instruct their whole nation in the principles of the Christian Religion, which they are desirous to embrace. The Provincial has granted their request; and it looks as if all this happened, in consequence of a special dispensation of Providence, so that I trust in God's mercy, the former will, at least, let us live in peace; and the latter, by embracing our Holy Faith, open a wide door to the propagation of the Catholick Religion in these vast countries.

It is proper, Sire, I should here take notice, that, having been to hold a visitation at Corrientes, which lies eighty leagues from the Reductions I had just left, I passed, as the Scripture expresses it, from the greatest heat to the greatest cold; that is to say, that, after being an eye witness of the most fervent piẹty among the Indians, I could discover nothing but lukewarmness and coldness among the Spaniards. This country is more miserable even than that of Santafé; for, though its lands are very fertile, the sloth of the inhabitants keeps them very unhappy. Their whole employment is to tear each other to pieces; and there prevails among them the greatest corruption of manners.

I was obliged to drive out of it to Buenos Ayres, and Corduba, several men, who, though they had wives at these places, maintained at Corrientes a scandalous commerce with other women; which was one of the sources of the dissentions that prevailed here.

In the course of my visitation, which was of several hundred leagues, I confirmed, in my diocese, and that of the Assumption, twenty thousand souls; and I should have had twice that number to confirm, if the plague, by which, as I have already taken notice, the Reductions have of late years been visited, had not carried off great numbers of every age and both sexes. The Religious of St. Francis have three Reductions in my diocese, which, to fulfill my obligations, I likewise visited. They are well governed. The Indians in them are well instructed, and divine service performed with great piety and devotion; but the churches are poor, and not so much frequented as those of the Fathers of the Company. Having asked the reason of this difference, they assigned two; the first was, that part of their lands have been given in command; and that the Encommenderoes are private persons, who often draw from them as many Indians as they please of both sexes, to employ them in the cultivation of their own estates and farms. Thus, these Encommenderoes not only take them from their pious exercises, and disable them from assisting at divine service, but even leave them no time to till and sow their own grounds, or build their churches. Accordingly, these towns grow thinner and thinner every day, as great numbers of the inhabitants die in the service of their Encommenderoes. The second reason was, that they are exposed to the incursions of the Payaguas, who murder or carry off a great many of these Indians. I thought it my duty to give your Majesty these informations, that you may be graciously pleased to apply to so many evils the remedies your wisdom shall judge properest to remove them.

39. Letter from Figueroa to Palacios (relative to the Mission to the Chiquitos)

[1745? Father Pierre François Xavier Charlevoix, *The History of Paraguay* . . . (1769), II, 370–371. Published by Lockyer Davis, London.]

A royal decree by Philip V of Spain to Don Francisco Xavier Palacios, *oidor* of the *Audiencia* of Charcas, ordered that the Chiquitos Indians should be received by him as vassals of the crown. He was at the same time ordered to make a survey of the Chiquitos missions. It was while on the way to the Chiquitos country that Palacios received the following letter from Don José de Figueroa, Marqués del Valle Umbrosso. Father Charlevoix wrote very highly of the latter. "No one

could be better acquainted," he declared, "with Spanish America than this Nobleman, who was born at Lima; had visited all the provinces within the jurisdiction of Peru; and served with great distinction in New Spain." [1] The Chiquitos agreed to become vassals of the king of Spain and to pay him the same tribute which was paid by the Guarani Indians.

I shall think myself extremely happy in your Lordship's meeting with all the success you can desire in the affair you are going about to the Chiquites; but I cannot conceive a more difficult task, than that of taking such a list of these new Christians, as may serve to regulate, exactly, the tribute that is to be imposed upon them. I know their country well enough to be able to assure you, that, as often as southerly winds reign there, they bring with them epidemical disorders, which are constantly followed by a great mortality; so that the Reductions, instead of growing every year more and more populous, are often in danger of becoming much thinner. After all, Sir, you will be greatly pleased to meet with Christians perfectly well instructed in their religion, and all the duties of a civil life; but you will, above all, be surprized at their skill in all the mechanical arts, and the dexterity with which they go through their military exercises. You will be equally charmed with their musick, every part of which they execute to the greatest perfection. They play very well on all manner of instruments; and their ballets would please even in France and Italy. It must, indeed, be owned, that the Fathers of the Company are the only men in America, who know how to operate such wonderful changes. You will meet with a charming people; with a divine worship in all its splendor; with true Christians animated by all the zeal of the primitive Church.

These are, Sir, the riches, which these Apostolical men come in quest of to the new world; and in which their empire in Paraguay consists. It is only by immense labours, that they have thus acquired children to the Church, and subjects to the King, in men, who, before they fell into their hand, resembled wild beasts more than human beings; that they have formed them into a Republick, over which Religion and reason have an absolute sway, and which, every day, peoples Heaven with Saints. I cannot too earnestly beseech your

[1] *The History of Paraguay*, II, 369.

Lordship to shew these Missionaries all the kindness in your power; and I am thoroughly satisfied, that they will propose nothing to you, which is not for the greater glory of God, according to the Spirit of their Holy Institute.

40. Decree extending the Tenure of Encomiendas[1]

[February 1, 1636. Blair and Robertson, *The Philippine Islands*, XXV, 145–147.]

"The natives with whom the Spaniards came in contact in the New World," declared Hackett, "were from the first regarded as wards of the crown. As a consequence the Catholic kings felt obliged not only to provide a strong protective power for the Indians, but to convert and civilize them. Also it was inevitable that the exploitation of their labor should at the same time be attempted. The chief means by which it was hoped to attain these ends was the *encomienda* system. This system had its beginning in the island of Española. After an uprising of the natives in 1495 they were put under tribute by Columbus — either a hawksbell of gold or an *arroba* (twenty-five pounds) of cotton being required of them every three months. This proving excessive, the tribute was reduced by one-half and later commuted to personal labor on the farms of the Spaniards. Still later, in 1497, Columbus allotted to the Spaniards the cultivated lands of the Indians. With these allotments, known as *repartimientos*, and later as *encomiendas*, went the forced labor of the Indians. In 1502 the crown authorized the collection of tribute from the natives, but ordered that they should receive wages for their labor." [2] The *encomienda* system began in New Spain in 1522. In 1536 it was made general for the Indies. The New Laws, as we have seen, abolished it in 1542. It was restored by their repeal in 1545; and it was not until the eighteenth century that the system ceased to exist. The

[1] Reprinted by permission of the publishers, The Arthur H. Clark Company of Cleveland, from *The Philippine Islands, 1493–1898*. Cleveland, 1903 to 1909.

[2] *Historical Documents . . .*, 26–27.

following decree extended the *encomienda* to the grantee for another or a third life.

The King. To Don Albaro de Quiñones, knight of the Order of Santiago, my governor and captain-general of the province of Guatemala, and president of my royal Audiencia resident therein, or the person or persons in charge of its government: as you have understood, the repartimientos and encomiendas of Indians which the kings my forbears and I have been accustomed to grant to various persons in that country, in consideration of their services, have been for two generations. Inasmuch as my intention has always been, and is, to show favor to those who serve, equal to their deserts, and especially to the pacifiers and settlers of those provinces, and considering the special importunities that many persons make, that the repartimiento or encomienda which they hold may be prolonged for one more generation, they representing to me not only their own causes, but the advantages therein for the Indians, and their good treatment and education: with the consent and advice of the members of my royal Council of the Indias, after they had consulted with me, I have determined to show favor generally to all those who hold the repartimientos and encomiendas of Indians in those provinces, by prolonging them for another generation, in addition to the generations for which they now hold them, provided that they immediately, for this reason, contribute to my funds — those who shall possess encomiendas for a second generation, with the value of the first three years; and those who shall enjoy them in the third generation with the value of two years — so that that may be an aid to the heavy expenses that my royal treasury incurs in defense of these and those kingdoms, and of the increase and conservation of our holy Catholic faith. [It shall be] provided that this prolongation be not extended, nor be understood to extend, to those who should hold encomiendas of which the value exceeds eight hundred ducados and more; for such encomiendas must be kept to reward worthy persons, in the manner that has been followed hitherto. In order that this may be executed as is desired, I have thought best to order you and to charge you — as I do — that as soon as you receive this my decree you publish it in that city of Santiago, and in all the others of your government, so that all persons who shall desire the said prolongation of their repartimientos or en-

comiendas may come before you within one year, counted from the day of the said publication. Those who thus come before you within the said time you shall admit to the said agreement, under the above obligations. Having made the contract, you shall give them the necessary despatches, so that they may enjoy these for the third generation; and these shall be thus continued to them with the repartimientos which they possess, or shall be continued to those who shall duly succeed to them, according to the law of succession. They shall be obliged to have obtained within four years my confirmation of the same. Those who shall come after the said year has expired you shall in no case admit. With those with whom you shall make a contract, you shall try to regulate the value of the repartimientos and encomiendas, with the advice of the fiscal of that Audiencia and the royal officials of their district, enacting for that purpose the measures that you shall deem advisable; paying heed to the consolidations which must be made of the pensions that they pay at present. With those who shall possess their repartimientos and encomiendas without any stipulation for the consolidation, you shall contract in the same manner and form, with the obligation to come to obtain the confirmation. You shall proceed in both cases with the like care that the business be regulated and transacted so that my royal treasury be paid, exactly and promptly, what belongs to it because of this. The sum resulting from this you shall send me at the first opportunity in a separate fund, and shall not put it with the rest of my revenues — sending it directed to my president and official judges of the House of Trade at Sevilla. You shall make a special report of what proceeds from each contract, and of those who wish to make contracts in regard to the encomiendas which they possess in those kingdoms; and those who enjoy those encomiendas while living in these kingdoms shall come to make these contracts in the said my Council of the Indias, where they will be admitted without any time limit being set. Madrid, February 1, 1636.

I THE KING

By order of the king our sovereign:

DON GABRIEL DE OCAÑA Y ALARCON

Idem, to the [governor] of Yucatan, Philipinas, and Venezuela.

ECCLESIASTICAL AFFAIRS OF THE INDIES

41. Bull, Eximiae — November 16, 1501 [1]

[Rome, November 16, 1501. Blair and Robertson, *The Philippine Islands*, I, 243–245.]

Pope Alexander VI authorized the Catholic sovereigns to levy tithes on the population — the natives as well as others — in their lands in the New World. The papal bull given below explained why this special favor was granted to them and their heirs.

Alexander, bishop, servant of the servants of God: to the Catholic sovereigns of Spain — Ferdinand the king, dearest son in Christ, and to Elizabeth (Isabella) the queen, dearest daughter in Christ, health and Apostolic blessing. The sincerity of your devotion and the unswerving faith with which you honor us and the Roman Church merit, and not unworthily, that your wishes, especially those relating to the spread of the Catholic faith, and the overthrow of infidel and barbarous nations, should be freely and promptly granted. Indeed, on your behalf, a petition recently laid before us sets forth that, impelled by pious devotion for the spread of the Catholic faith, you greatly desire — inasmuch as quite recently, and not without great expense and effort on your part, you began and from day to day continue to do more toward the capture and recovery of the islands and regions of the Indies, to the end that in those lands wherever any accursed belief obtains, the Most High should be worshiped and revered; and inasmuch as for the recovery of the islands and regions aforesaid, it will be incumbent upon you to incur heavy expenses and undergo great perils, it is expedient that for the conservation and maintenance of the said islands, after their capture and recovery by you, and for the defraying of the expenses necessary for the conservation and maintenance

[1] Reprinted by permission of the publishers, The Arthur H. Clark Company of Cleveland, from *The Philippine Islands, 1493–1898*. Cleveland, 1903 to 1909.

of the same, — you should be empowered to exact and levy tithes[1] on the inhabitants of the aforesaid islands and dwellers therein for the time being. On this account we have been humbly petitioned on your behalf to deign through our apostolic graciousness to make in the premises suitable provision for you and your state. Therefore yearning most eagerly for the spread and increase of that same faith particularly in our own days, we commend in the Lord your loving and praiseworthy purpose, and being favorably disposed thereto we hereby through our apostolic power in virtue of these presents do as a special favor grant to you and your successors for the time being that in the aforesaid islands after their capture and recovery (as observed) you may receive a tithe from the inhabitants thereof and the dwellers therein for the time being, and levy the same freely and lawfully, providing after dioceses shall there be established (whereon we charge your consciences as well as your successors'), you first from your own and their estate shall really and effectively devise a sufficient revenue for the establishment of churches in those islands through you and your aforesaid successors, whereby the incumbents of the same and their administrators may support themselves suitably, carry on the necessary work of those churches for the time being, as well as celebrate rightly the divine worship of Almighty God, and fulfil all diocesan requirements. The Lateran Council, other apostolic constitutions and ordinances or other decrees, to the contrary notwithstanding. Let no one then infringe this our grant, nor dare with rashness to contravene its provisions. But should any one presume to set it at naught, let him recognize that he has thereby incurred the displeasure of Almighty God, and of the Blessed Apostles Peter and Paul. Given at Rome at St. Peter's, in the year of the incarnation of our Lord one thousand five hundred and one, the sixteenth day of November, the tenth year of our Pontificate.

[The signatures and authorizations follow.]

[1] Ordinarily the tithes in each diocese were divided into four equal parts — of which one was set aside for the bishop, and one for the chapter. Then the other two were divided into nine portions (*novenii*), whereof one and one-half were for the *fabrica* of the church (the corporate body who administered its temporalities, consisting of the *cura* and churchwardens), four for the *parrocos* (parish priests) and lower clergy, one and one-half for the hospitals, and two for the King — all but this last being variable. See Baluffi's *America en tempo Spagnuola* (Ancona, 1844), ii, p. 41. — Rev. T. C. MIDDLETON, O. S. A.

42. Instructions concerning Ecclesiastical Patronage in the Indies[1]

[San Lorenzo el Real, June 1, 1574. Blair and Robertson, *The Philippine Islands*, XXI, 19–31.]

The *real Cédula* given below was incorporated in the instructions of September 13, 1589, to Gómez Pérez Dasmariñas, governor and captain-general of the Philippine Islands. The royal patronage was to be very carefully guarded by the officials of the king. Minute details were given regulating the procedure of the civil authorities and the provincials of the religious orders in all matters where the right of patronage was involved.

The King. To our viceroy of Nueva España, or the person or persons who shall, for the time being, be exercising the government of that country: As you know, the right of the ecclesiastical patronage belongs to us throughout the realm of the Yndias — both because of having discovered and acquired that new world, and erected there and endowed the churches and monasteries at our own cost, or at the cost of our ancestors, the Catholic Sovereigns; and because it was conceded to us by bulls of the most holy pontiffs, conceded of their own accord. For its conservation, and that of the right that we have to it, we order and command that the said right of patronage be always preserved for us and our royal crown, singly and *in solidum*, throughout all the realm of the Yndias, without any derogation therefrom, either in whole or in part; and that we shall not concede the right of patronage by any favor or reward that we or the kings our successors may confer.

Further, no person or persons, or ecclesiastical or secular communities, or church or monastery, shall be able to exercise the right of patronage by custom privilege, or any other title, unless it be the person who shall exercise it in our name, and with our authority and power; and no person, whether secular or ecclesiastical, and no order, convent, or religious community, of whatever state, condition, rank, and preëminence he or they may be, shall for any occasion and cause whatever, judicially or extra-judicially, dare to meddle in any matter touching my royal patronage, to injure us in it — to appoint to any

[1] Reprinted by permission of the publishers, The Arthur H. Clark Company of Cleveland, from *The Philippine Islands, 1493–1898*. Cleveland, 1903 to 1909.

church, benefice, or ecclesiastical office, or to be accepted if he shall have been appointed — in all the realm of the Indias, without our presentation, or that of the person to whom we commit it by law or by letters-patent. He who shall do the contrary, if he be a secular person, shall incur the loss of the concessions that shall have been made to him by us in all the realm of the Indias, shall be unable to hold and obtain others, and shall be exiled perpetually from all our kingdoms and seigniories; and if he shall be an ecclesiastical person, he shall be considered as a foreigner, and exiled from all our kingdoms, and shall not be able to hold or obtain any benefice or ecclesiastical office, and shall incur the other penalties established against such by laws of these my kingdoms. And our viceroys, audiencias, and royal justices shall proceed with all severity against those who thus shall infringe or violate our right of patronage; and they shall proceed officially, either at the petition of our fiscals, or at that of any party who demands it; and in the execution of it great diligence shall be exercised.

We desire and order that no cathedral church, parish church, monastery, hospital, votive church, or any other pious or religious establishment be erected, founded, or constructed, without our express consent for it, or that of the person who shall exercise our authority; and further, that no archbishopric, bishopric, dignidad, canonry, racion, media-racion, rectorial or simple benefice, or any other ecclesiastical or religious benefice or office, be instituted, or appointment to it be made, without our consent or presentation, or that of the person who shall exercise our authority; and such presentation or consent shall be in writing, in the ordinary manner.

The archbishoprics and bishoprics shall be appointed by our presentation, made to our very holy father [*i. e.*, the Roman pontiff] who shall be at that time, as has been done hitherto.

The dignidades, canonries, racions and media-racions of all the cathedral churches of the Indias shall be filled by presentation made by our royal warrant, given by our royal Council of the Indias, and signed by our name, by virtue of which the archbishop or bishop of the church where the said dignidad, canonry, or racion shall be shall grant to him collation and canonical installation, which shall also be in writing, sealed with his seal and signed with his hand. Without the said presentation, title, collation, and canonical installation, in writing, he shall not be given possession of such dignidad, canonry,

racion, or media-racion; neither shall he accept the benefits and emoluments of it, under the penalties contained in the laws against those who violate our royal patronage.

If in any of the cathedral churches of the Yndias there should not be four beneficiaries — at least resident, and appointed by our presentation and warrant and the canonical installation of the prelate — because of the other prebends being vacant, or if appointments to them have been made because the beneficiaries are absent (even though it be for a legitimate reason) for more than eight months, until we present them the prelate shall elect four seculars to fill out the term of those who shall have been appointed as residents, choosing them from the most capable and competent that shall offer, or who can be found, so that they may serve in the choir, the altar, the church, and as curas, if that should be necessary in the said church, in place of the vacant or absent prebendaries, as above stated. He shall assign them an adequate salary, as we have ordered at the account of the vacant or absent prebendaries; and the said provision shall not be permanent, but removable at will [*ad nutum*], and those appointed shall not occupy the seat of the beneficiary in the choir, nor enter or have a vote in the cabildo. If the cathedral church has four or more beneficiaries, the prelates shall not take it upon themselves to appoint any prebendaries, or to provide a substitute in such post, whether for those that become vacant, or for those whose incumbents may be absent, unless they shall give us notice, so that we may make the presentations or take such measures as may be advisable.

No prelate, even though he have an authentic relation and information that we have presented any person to a dignidad, canonry, racion, or any other benefice, shall grant him collation or canonical installation, or shall order that he be given possession of it, unless our original warrant of the said presentation be first presented; and our viceroys or audiencias shall not meddle by making them receive such persons without the said presentation.

After the original warrant of our presentation has been presented, appointment and canonical installation shall be made without any delay; and order will be given to assign to him the emoluments, unless there is some legitimate objection against the person presented, and one which can be proved. If there is no legitimate objection, or if any such be alleged that shall not be proved, and the prelate should delay

the appointment, installation, and possession, he shall be obliged to pay to such person the emoluments and incomes, costs, and interests, that shall have been incurred by him.

It is our desire that, in the presentations that shall be made for dignidades, canonries and prebends in the cathedral churches of the Yndias, lettered men be preferred to those who are not, and those who shall have served in cathedral churches of these same kingdoms and who shall have had most experience in the choir and divine worship, to those who shall not have served in cathedral churches.

At least in the districts where it can be conveniently done, a graduate jurist in general study shall be presented for a doctoral canonicate, and another lettered theological graduate in general study for another magistral canonicate, who shall have the pulpit with the obligations that doctoral and magistral canons have in these kingdoms.

Another lettered theologue approved by general study shall be presented to read the lesson of the holy scriptures, and another lettered jurist theologue for the canonicate of penitence, in accordance with the established decrees of the holy council of Trent. The said four canonries shall be of the number of those of the erection of the Church.

We will and order that all the benefices, whether sinecures or curacies, secular and regular, and the ecclesiastical offices that become vacant, or that, as they are new, must be filled, throughout the realm of the Yndias, in whatever diocese it may be, besides those that are provided in the cathedral churches, as stated above, shall, in order that they may be filled with less delay, and that our royal patronage may be preserved in them, be filled in the following manner:

When a benefice (whether a sinecure or a curacy), or the administration of any hospital or a sacristy or churchwardenship, or the stewardship of a hospital, or any other benefice or ecclesiastical office, shall become vacant, or when it has to be filled for the first time: the prelate shall order a written proclamation to be posted in the cathedral church, or in the church, hospital, or monastery where such benefice or office is to be filled, with the suitable limit, so that those who desire to compete for it may enter the lists. From all those who thus compete, and from all the others whom the prelate shall believe to be suitable persons for such office or benefice, after having examined them and after having informed himself concerning their morals and ability, he shall choose two persons from them — those whom, in the sight of God and his

conscience, he shall judge most suitable for such office or benefice. The nomination of the two thus named shall be presented to our viceroy or to the president of our royal Audiencia; or to the person who, in our name, shall exercise the superior government of the province where such benefice or office shall become vacant or must be filled, so that he may select one from the two appointees. He shall send that selection to the prelate, so that the latter in accordance with it, and by virtue of that presentation, may grant the appointment, collation, and canonical installation — by way of commission and not by perpetual title, but removable at will by the person who shall have presented them in our name, together with the prelate. And should there be no more than one person who desires to compete for such benefice or office, or the prelate shall not find more than one person whom he desires to receive the nomination to it, he shall send the name to our viceroy, president, or governor, as above stated, so that the latter may present him. Then by virtue of such presentation, the prelate shall make the appointment in the form above directed. But it is our desire and will that when the presentation shall be made by us, and we shall expressly state in our presentation that the collation and canonical installation shall be by title and not by commission, those presented by us be always preferred to those presented by our viceroys, presidents, or governors, in the form above mentioned.

And in the repartimientos and villages of Indians, and in other places where there shall be no benefice or any regulations for electing one, or any form of appointing a secular or religious to administer sacraments and teach the doctrine, providing it in the form above directed, the prelate — after posting a proclamation, so that if there shall be any ecclesiastical or religious person, or any other of good morals and education who may go to teach the doctrine at such village — from those who shall compete, or from other persons whom he shall deem most suitable and fitting, shall elect two, after informing himself of their competency and good character. He shall send the nomination to our viceroy, president, or governor who shall reside in the province, so that the latter may present one of the two thus nominated by the prelate. If there shall be no more than one, by virtue of that presentation the prelate shall appoint him to the mission, giving him installation, as he has to teach the doctrine. He shall order to be given to such person the emoluments that are to be given to ministers

or missions, and shall order the encomenderos and other persons, under the penalties and censures that he shall deem suitable, not to annoy or disturb such person in the exercise of his duty and the teaching of the Christian doctrine; on the contrary, they shall give him all protection and aid for it. That appointment shall be made removable at the will of the person who shall have appointed him in our name, and that of the prelate.

We also will and order that the religious orders observe and maintain the right of patronage in the following form.

First: No general, commissary-general, visitor, provincial, or any other superior of the religious orders, shall go to the realm of the Yndias, without first showing in our royal Council of the Indias the powers that he bears and giving us relation of them; and without the Council giving him our decree and permission so that he may go, and a warrant so that our viceroys, audiencias, justices, and our other vassals may admit and receive him to the exercise of his office, and give him all protection and aid in it.

Any provincial, visitor, prior, guardian, or other high official, who may be elected and nominated in the realm of the Yndias shall, before being admitted to exercise his office, inform our viceroy, president, Audiencia, or governor who shall have in charge the supreme government of such province, and shall show him his patent of nomination and election, so that the latter may give him the protection and aid necessary for the exercise and use of his office.

The provincials of all the orders who are established in the Yndias, each one of them, shall always keep a list ready of all the monasteries and chief residences [maintained there by his orders] and of the members [resident in each] that fall in his province, and of all the religious in the province — noting each one of them by name, together with a report of his age and qualifications, and the office or ministry in which each one is occupied. He shall give that annually to our viceroy, Audiencia, or governor, or the person who shall have charge of the supreme government in the province, adding to or removing from the list the religious who shall be superfluous and those who shall be needed. Our viceroy, Audiencia, or governor, shall keep those general lists which shall thus be given, for himself, and in order that he may inform us by report of the religious that there are, and those of whom there is need of provision, by each fleet sent out.

The provincials of the orders, each one of them, shall make a list of all the religious who are occupied in teaching the Christian doctrine to the Indians, and the administration of sacraments, and the offices of curas in the villages of the chief monasteries. They shall give such list once a year to our viceroy, Audiencia, or governor, who shall give it to the diocesan prelate, so that he may know and understand what persons are occupied in the administration of sacraments and the office of curas and the ecclesiastical jurisdiction, and who are in charge of the souls for whom he is responsible; and in order that what is or must be provided may be apparent to him, and from whom he has to require account of the said souls, and to whom he must commit what is to be done for the welfare of those souls.

Whenever the provincials have to provide any religious for instruction or for the administration of sacraments, or remove any who shall have been appointed, they shall give notice thereof to our viceroy, president, Audiencia, or governor who shall exercise the supreme government of the province, and to the prelate; and they shall not remove any one who shall have been appointed, until another shall have been appointed in his place, observing the above order.

We desire, in the presentations and appointments of all the prelacies, dignidades, and ecclesiastical offices and benefices, that those most deserving, and who shall have been engaged longer and to better profit in the conversion of the Indians, and in instructing them in the Christian doctrine, and in the administration of sacraments, shall be presented and appointed. Therefore we strictly charge the diocesan prelates, and those superiors of the religious orders, and we order our viceroys, presidents, audiencias, and governors, that in the nominations, presentations, and appointments that they shall have to make there, as is said, in conformity [with this decree], they shall always prefer, in the first place, those who shall have been occupied, by life and example, in the conversion of the Indians, and in instruction and in administering the sacraments, and those who shall know the language of the Indians whom they have to instruct; and, in the second place, those who shall be the sons of Spaniards and who shall have served us in those regions.

In order that we may better make the presentation that shall become necessary of prelacies, dignidades, prebends, and the other ecclesiastical offices and benefices, we ask and charge the said diocesan prel-

ates and the provincials of the religious orders, and we order our viceroys, presidents, audiencias, and governors, each one of them, separately and distinctly by himself, without communicating one with another, to make a list of all the dignidades, benefices, missions, and ecclesiastical offices in his province, noting those of them that are vacant, and those that are filled. Likewise they shall make a list of all the ecclesiastical and religious persons, and of the sons of citizens and Spaniards who are studying for the purpose of becoming ecclesiastics, and of the good character, learning, competency and qualities of each one, stating clearly his good parts and also his defects, and declaring, so that prelacies, dignidades, benefices, and ecclesiastical offices shall be suitably filled, both those that shall be at present found vacant, and those that shall become vacant hereafter. Those relations shall be sent us closed and sealed, in each fleet, and in different ships; and what shall be deemed advisable to add to or to suppress from the preceding ones that shall have been sent before, shall be added or suppressed; so that no fleet shall sail without its relation. We charge the consciences of one and all straitly with this matter.

In order that we may not be deceived by those who come or send to petition us to present them to some dignidad, benefice, or ecclesiastical office, we desire, and it is our will, that he who shall thus come or send appear before our viceroy, or before the president and Audiencia, or before the one who shall have charge of the supreme government of the province; and, declaring his petition, the viceroy, Audiencia, or governor shall make the relation officially, with information concerning his standing, learning, morals, competency, and other details. After it is made, he shall send it separately from those persons. Likewise the approval of their prelate shall be obtained, and warning is given that those who come to petition for a dignidad, benefice, or ecclesiastical office without such investigation shall not be received.

We desire and it is our will that no person can hold, obtain, or occupy two dignidades, or ecclesiastical benefices in the provinces of the Yndias, either in the same or in different churches. Therefore we order that if any one shall be presented by us for any dignidad, benefice, or office, he shall renounce what he shall have held previously, before his collation and appointment.

If the one presented by us does not present himself, within the time contained in the presentation, to the prelate who must make the

appointment and canonical installation, after the expiration of the said time the presentation shall be void, and no appointment and canonical installation can be made by virtue of it.

Inasmuch as it is our will that the above-contained be observed and obeyed, for we believe that such procedure is expedient for the service of God and for our own, I order you to examine the above, and to observe and obey it, and cause it to be observed and obeyed in all those provinces and villages, and their churches, *in toto*, and exactly as is contained and declared, for what time shall be our will. You shall accomplish and fulfil it, in the ways that shall appear most advisable to you. You shall take for this purpose such measures and precautions as shall be advisable, in virtue of this my decree; and I give you for that complete authority in legal form. Accordingly we request and charge the very reverend father in Christ, the archbishop of that city, and member of our Council, and the reverend fathers in Christ, the archbishop of Nueva España, the venerable deans and cabildo of the cathedral churches of that country, and all the curas, beneficiaries, sacristans, and other ecclesiastical persons, the venerable and devout fathers provincial, guardians, priors, and other religious of the orders of St. Dominic, St. Augustine, St. Francis, and of all the other orders, that in what pertains to, and is incumbent on them, they observe and obey this decree, acting in harmony with you, for all that shall be advisable. Given in San Lorenzo el Real, June first, one thousand five hundred and seventy-four.

I THE KING

By order of his Majesty:

ANTONIO DE ERASO

43. REPORT AND RELATION OF THE NEW CONVERSIONS IN PIMERÍA ALTA

[Mission of Nuestra Señora de los Dolores, February 2, 1710. Herbert Eugene Bolton, *Spanish Exploration in the Southwest, 1542–1706* (1916), 437–464. Reprinted by permission of the publishers, Charles Scribner's Sons, New York.]

Eusebio Francisco Kino came to New Spain in the latter half of the seventeenth century. From 1681 to his death in 1711 he was zealously engaged in spreading, as a member of the Order of Jesus, the tenets of Roman Catholicism in that viceroyalty.

The first two years he spent in lower California; but in 1687 he began his labors in Pimería Alta, a district which then included both northern Sonora and southern Arizona. For the remainder of this period — a period, by the way, which extended over more than twenty years — he was busy exploring new lands, converting the natives, and building missions. The mission of Nuestra Señora de los Dolores (the mission of Our Lady of Sorrows), which he founded in 1687 at the village of Cosari, became the headquarters for Pimería Alta and the immediate territory. From the outposts of this mission Father Kino pushed the frontier of the missionary work and exploration across Pimería Alta to the Gila and Colorado rivers. By 1695 he had established, according to Bolton, a chain of missions in the valley of the Altar and Magdalena rivers and another chain to the northwest of Dolores.[1] Father Kino began, at the official request of the Father General of the Order of Jesus, a history of Pimería Alta and of his missionary activities. He gave the title of *Favores Celestiales*, or "Celestial Favors," to this work. The following excerpts give an insight into the nature and variety of his activities.

BOOK II

BEGINNINGS AND PROGRESS OF THE NEW CONQUESTS AND NEW CONVERSIONS OF THE HEATHENDOMS OF THIS EXTENSIVE PIMERÍA AND OF THE OTHER NEIGHBORING NEW NATIONS

It is well known that during almost two whole centuries the royal Catholic crown of Spain has spent more than two millions and a half for new conquests and new conversions and for the extension of the Holy Evangel, and for the eternal salvation of the souls of the Californias; but it appears that, thanks be to His Divine Majesty, the blessed time is now coming when not only the conquest and conversion of the Californias is being accomplished, but also at the same time that of these other neighboring extensive lands and nations of this

[1] For a much fuller account of the activities of Father Kino consult the two volumes by Bolton entitled *Kino's Historical Memoir of Pimería Alta*, published in 1919.

North America, most of which has hitherto been unknown, and when the Lord is adding to the rather poor lands of the Californias the necessary succor of these very extensive and rich lands, abundant champaigns, and fertile rivers and valleys.

The immense but very Catholic expenditures above-mentioned, which the sovereign Lord always most liberally repays, have been those of the various navigations and expeditions following:

In the year 1533 Don Fernando Cortes, eleven years after having conquered Mexico, discovered California and entered into the port of Nuestra Señora de la Paz.[1]

In 1535 Don Anttonio Mendosa, first viceroy of this New Spain, sent to California General Francisco de Alarcon with twelve other high-decked ships, which, however, were all lost.[2]

In 1597 Sebastian Biscaino[3] went at his own expense to California with five religious of San Francisco.

In 1602 he went a second time at the expense of Philip the Third with three religious of Nuestra Señora del Carmen, the Count of Monte Rey being viceroy.

In 1606 there came to him a royal *cédula* that he should go to colonize at the port of Monte Rey, which, however, his death prevented.

In 1615 Captain Juan Yturbi went with one ship.

In the years 1632, 1633, and a little later, Captain Francisco de Ortega went to California a first, second, and third time.

About the year 1636 Captain Carboneli went.

In 1642 Captain Luis Cestin de Canas went, taking with him Father Jacinto Cortes, of the Company of Jesus.

In 1643 and 1644 Philip the Fourth sent Admiral Don Pedro Porter Casanate.

In 1648 and 1649 he went a second time, taking with him Father Jasinto Cortes and Father Andres Baes, of the Company of Jesus.

In 1664, at the expense of his royal Majesty, Philip the Fourth, Admiral Bernardo Bernal de Pinadero went the first time, and in 1667 he went the second time, with borrowed money.

[1] Jiménez, sent out by Cortés, discovered California in 1533; Cortés attempted to found a colony on the Peninsula in 1535.

[2] Alarcón's voyage was made in 1540.

[3] Vizcaino.

In 1668 Captain Francisco Lusenilla went to California with two religious of San Francisco.[1]

In the years 1681, 1682, 1683, 1684, and 1685, at a cost to the royal treasury of more than half a million, by order of Don Carlos the Second, Admiral Don Ysidro de Atondo y Antillon, having built three ships, captain's ship, admiral's ship, and tender, in the Sinaloa River, went with the necessary soldiers and mariners to California; at the same time we, three missionary fathers of the Company of Jesus, went also, I going with the offices of rector of that mission and cosmographer of his Majesty. In pursuance of that enterprise[2] we were some months at the post and bay of Nuestra Señora de la Paz in latitude twenty-four degrees, and more than a year at the Real de San Bruno, in latitude twenty-six degrees, whence we went to the opposite coast and the Sea of the South, about fifty leagues' journey. We left about four hundred souls reduced. And we having come to the harbor of Matanchel, of Nueva Galicia, to supply ourselves with some things which we needed, the señor viceroy, Don Thomas, Marqués de la Laguna, sent us to meet and warn and rescue the China ship, since at the same time the Pichilingues pirates were waiting in the port of La Navidad for the ship to rob it. Meeting her within two days, thanks be to the Lord, and putting to sea with her, so that she should neither come to land nor be seen by the enemies who were in the port of La Navidad, we all arrived in safety at the port of Acapulco, leaving the pirates mocked, and our Lord having rescued four or five millions for the royal crown and his loyal vassals without loss, in reward of the very Catholic expenditures which the royal monarchy makes in honor of His Divine Majesty and for the good of countless souls.

We have also seen and now see at this very same time, and in the very years and months of the expenditures for this above-mentioned enterprise of California, how God our Lord has granted the discovery of the very rich mines of the camps which they call Los Frailes, Los Álamos, and Guadalupe. These posts are opposite, near to, and on the same parallels of twenty-five and twenty-six degrees as California, which through those Catholic expenditures was intended to be con-

[1] For accounts of the foregoing voyages see Bancroft, *North Mexican States and Texas*, chs. VII, VIII, and authorities there cited; Venegas (Burriel), *Noticia de la California, passim.*

[2] *Empesa, i.e., empresa.*

quered and is being conquered for our holy Catholic faith. The very richly laden China ship, or Philippine galleon, having unloaded, most of us went with the admiral from the port of Acapulco to the City of Mexico, where, within a few days, we having conferred in regard to the most suitable means for continuing the conquest and conversion of California, an appropriation of thirty thousand pesos was assigned to us; but the same week, when eighty thousand pesos had just come from Zacatecas, and they were about to give it to us and let us go, a ship came from Spain, which, with a most pressing order, asked five hundred thousand pesos, even though it should be borrowed, in order thereby to repay at once the damages done to a very richly laden French ship which a few years before had gone to the bottom in the Bay of Cadiz. Thereupon the conquest and conversion of California was suspended.

As soon as I knew that the conversion of coveted California was suspended, I asked and obtained from my superiors and his Excellency permission to come meanwhile to these heathen coasts nearest to and most in sight of California, to the Guaimas and Seris;[1] and I having arrived at the end of February, 1687, in this province of Sonora, and gone to Opossura to see the Father Visitor, Manuel Gonzales, his Reverence came with me to this post of heathen Pimas, as the father of Cucurpe, near by, Joseph de Aguilar, was asking of him a father for them.[2] We named the place Nuestra Señora de los Dolores. It is in thirty-two degrees and a half of latitude. We entered March 12,[3] 1687, accompanied by Father Joseph de Aguilar and his servants; and the Father Visitor returning the following day to observe Holy Week in his pueblos, I went inland two hours after his departure with said Father Joseph de Aguilar and some guides, going ten leagues beyond Nuestra Señora de los Dolores, toward the west, to the good post and valley which we named de San Ygnacio,[4] where we found even more people, although they were somewhat scattered. We

[1] He left Mexico City on November 20, 1686.

[2] This is the most specific explanation of the change of Father Kino's plans which I have seen.

[3] He elsewhere gives the date as the 13th. Dolores was situated on the San Miguel River, a few miles above Cucurpe. The ruins are on the hacienda of Dolores. They were visited by the editor in 1911.

[4] It still bears that name. It is over the mountains from Dolores, on the Southern Pacific Railroad. The Indian village where the mission was founded was called Caborica.

returned by the north through the ranchería of Himeres,[1] which we named San Joseph, and through that of Doagibubig,[2] which we named Nuestra Señora de los Remedios, which rancherías immediately, thanks be to the Lord, we began reducing to new good pueblos, making a beginning of teaching them the Christian doctrine and prayers, by means of a good interpreter and a good native helper,[3] whom I procured from the old Pima mission of Los Ures,[4] and of the building of the churches and houses, of crops, etc.

Afterward I made other missions, or expeditions, to the north and farther to the west, and despatched friendly messages inviting all the heathen of these environs to receive our holy Catholic faith for their eternal salvation, in imitation of these Pimas, their relatives and countrymen. Soon many came from various parts to see me for this purpose, and we arranged for the beginning of other new missions and pueblos. There came to see and to visit us, with great comfort on our part and his, Father Manuel Gonzales. He asked and obtained, through the señor *alcalde mayor*, four additional alms from the royal chest, for four other new missions for this extensive Pimería; and four other missionary fathers came to it at the time when I dedicated this my first and capacious church of Nuestra Señora de los Dolores.[5]

Father Juan María de Salvatierra having entered in the year 1691 as visitor of these missions of Sinaloa and Sonora, his Reverence came in December from Chinipas to visit us; and, seeing in his holy visit to these new missions such fertile, abundant, and pleasant lands, valleys and rivers, he expressed the opinion that they were the richest he had seen in all the missions, to which I replied that it appeared to me also that these lands, so rich, might be the relief and support of the somewhat sterile and poor California, where we left so many souls scattered and lost and who were still asking us for holy baptism; and we planned to make every endeavor to effect the return with all possible haste to

[1] Imuris, on the Southern Pacific Railroad a few miles north of San Ignacio.

[2] East of Imuris and north of Dolores.

[3] *Temastian.*

[4] On the Sonora River east of Hermosillo.

[5] Father Luis Pinilla took charge of San Ignacio, Santa María Magdalena, and San Miguel del Tupo; Father Antonio Arras of San Pedro del Tubutama and San Antonio de Uquitoa; Father Pedro de Sandoval of San Lorenzo del Saric and San Antonio del Tucubabia; and Father Juan del Castillo of Cocóspera, San Lázaro, and Santa María. Most of these pueblos were farther north than Dolores. "Favores Celestiales," pt. I, bk. I.

continue said conquests and conversions.[1] His Reverence, with his holy zeal, immediately, even before setting out from these Pima missions, made a very good report to his royal Majesty and his royal ministers; and, although in the beginning there were difficulties and delays, in the year 1697[2] said Father Juan María de Salvatierra, availing himself of the alms which he had secured among faithful, pious persons, obtained a license from the señor viceroy, Don Sarmiento de Valladares y Montesuma, permitting his Reverence and me to go to California. For this purpose his Reverence came from Mexico to the missions of Sinaloa and Hyaqui, provided with all that was necessary from Mocorito de Sinaloa. He informed me of his arrival, and of having accomplished the desired purpose that we two should go to California, sending me the very pleasing letter of the Father Provincial, Juan de Palacios, in regard to the matter. Thereupon I immediately reported to the Father Visitor, Horacio Polise, and set out to go to Hyaqui and our best beloved California. But, although I was going most gladly, they detained me over here as being necessary, as the Father Visitor, Horacio Polise, and the señor governor of arms and *alcalde mayor* of this province of Sonora, Don Domingo Xironsa Petriz

[1] The most notable event of Salvatierra's visitation was his journey with Kino over the divide into the valley of the Santa Cruz River. This was the first recorded expedition into Arizona from the south since the time of Coronado. They went as far north as Tumacácori. "Favores Celestiales," pt. I, bk. II, chs. 1–2.

[2] In the meantime Kino had done great work in Pimería Alta, of which he says little in this report. In 1692 he again entered Arizona, going to the important village of Bac, where later he founded the mission of San Xavier, and visiting the San Pedro valley ("Favores Celestiales," pt. I, bk. II, ch. 3). In the same year he went down the Altar valley to the coast (*ibid.*, ch. 5). Next year, accompanied by Lieutenant Juan Matheo Manje, he again went to the coast and at Caborca began the building of a boat for navigating the Gulf. In the same year his church at Dolores was dedicated. In 1694 he made two or three journeys to Caborca, where he founded a mission in which he established Father Saeta. In November, 1694, he went north and discovered the Casa Grande, on the Gila River, of which he left an interesting description. By 1695 the missions had become important enough to be formed into the separate rectorate of Nuestra Señora de los Dolores, Father Marcos Antonio Kapus being first rector. In that year the Pimas revolted and destroyed the missions of the Altar valley, and Kino played an important part in quieting the Indians. As soon as this had been effected he went (1695) to Mexico City to get funds for the mainland and to urge the conversion of California. Father Salvatierra went at the same time, for the same purpose. Kino secured a promise of new missionaries, and as soon as he returned to Dolores, in May, 1696, he made new journeys northward to prepare for them.

de Cruzatt,[1] wrote me by messenger. Father Francisco María Picolo went in my place to California, and afterwards made a glorious report[2] of the good state of California, which, thanks be to our Lord, goes on being so happily conquered and converted that other better pens than mine consider and will consider it well to write of its apostolic missions.

Remaining, as I did, over here, with the sole relief and comfort of the hope that, availing myself of the licenses which Father Juan Maria de Salvatierra had just brought me from Mexico from the Father Provincial and from his Excellency, I also was able from here to find and open a way to the same California and to its reduction, in latitudes thirty, thirty-one, thirty-two, thirty-three, thirty-four, thirty-five or more degrees. For this purpose I made various missions, or expeditions, to the west and to the coast of the Sea of California. I undertook the building of a little vessel, in sections, part here at Nuestra Señora de los Dolores and part at La Concepsion de Nuestra Señora de Caborca, which is about fifteen leagues distant from the Sea of California, and from whose coasts flames and smokes in the Californias can be seen. Afterwards, however, since by the divine grace, through different expeditions which I made, to the northwest in particular, I discovered that in latitude thirty-four and one-half degrees the Sea of California ended completely, I suspended the building of the vessel.

In general, in these twenty-one years, up to the present time, I have made from the first pueblo of Nuestra Señora de los Dolores more than forty expeditions to the north, west, northwest, and southwest, of fifty, eighty, one hundred, two hundred, and more leagues, sometimes accompanied by other fathers, but most of the time with only my servants and with the governors, captains, and caciques of different rancherías or incipient pueblos from here and from the interior.

To the north and northeast I have travelled [3] on different occasions

[1] Governor of New Mexico from 1683 to 1686.

[2] Bolton states that he was a "missionary in California who took Kino's place there. He wrote a well-known report on the missions of Lower California in 1702, published in *Lettres Édifiantes*."

[3] *He encontrado, i.e., entrado.* Bolton states that Father Kino founded stock ranches for the support of future missions in the Santa Cruz and San Pedro valleys. In 1700 he founded San Xavier mission at San Xavier del Bac. The next year he descended the Colorado to the Quiquimas, and in 1702 he again descended that river as far as the Gulf.

more than one hundred and thirty leagues to Casa Grande, which is a building of the ancients of Montesuma, who set out from those lands when they went to found the City of Mexico, and to the Rio Grande, or Rio de Hila,[1] which issues from the confines of New Mexico through the Apachería, and comes to these our Pimas Sobaiporis, and afterwards flows more than one hundred leagues to the west by the Cocomaricopas and Yumas, until it unites with the most voluminous Colorado River, which is the true Río del Norte of the ancients. And I have penetrated to the borders and in plain sight of the Apachería, which intervenes between this extensive Pimería and the province of Moqui and Zuñi.

To the westward of New Mexico with different fathers, Father Agustín de Campo, Father Marcos Antonio Kappus, and Father Gerónimo Minutuli, I have penetrated the seventy leagues extending to the Sea of California, and far enough to get a very plain view of more than twenty-five leagues of continuous land of California. And now they have their missions well founded: Father Agustín de Campos at San Ignacio, San Joseph de Himires, and Santa Maria Madalena; and Father Gerónimo Minutuli at San Pedro y San Pablo del Tubutama, Santa Tereza, and San Antonio del Uquitoa. Besides, there are good beginnings of baptisms, building of churches and houses, cattle, sheep and goats, horses, sowings and harvests of wheat, maize, beans, etc., in the new pueblo of Nuestra Señora de la Conzepzion del Caborca, at San Antonio de Busanic, and in other parts.

To the northwest I have travelled more than two hundred leagues, to the head of the Sea of California, where enters the very voluminous, populous, and fertile Colorado River, which is the true Río del Norte of the ancients, and the river which Francis Drake and his followers called del Coral, as he calls the other, the Hila River,[1] which issues through the borders of this Pimería, the Tizon River.

It is true that on its banks and in its vicinity it has many firebrands,[2] which the natives in cold weather carry in their hands, warming the pit of the stomach to relieve their nakedness. At eight or nine in the morning, when the sun usually warms up a little, they throw them away, of which I have been an eye-witness. But Drake is very much in error in his fabulous demarkation, in which he very wrongly depicts California as an island, saying that its sea extends up to the

[1] Gila. [2] *Tizones.*

Sea of the North and the much talked of Strait of Anian, for in these ten years, in fourteen expeditions which I made for this purpose, we have plainly discovered that this Sea of California extends no farther than to thirty-four degrees and a half of latitude, where there is plainly a passage to California. By it there continually come to us many of those blue shells[1] which are produced only on the opposite coast of the above-mentioned California and South Sea, whereby every year the ship from China is accustomed to come.

On one of these journeys to the northwest Father Adamo Jilg went with me to the Huma[2] nation, by order of the Father Visitor Horacio Polise;[3] and Father Juan María de Salvatierra, who since has been most deservedly Father Provincial of this Province of New Spain, went to San Marcelo del Sonoydag, and far enough to catch a sight of the closing of these their lands at the head of the Sea of California.[4] Father Manuel Gonzales went with me to the very mouth of the large Colorado River;[5] and only a year and a half ago Fray Manuel de la Oyuela, of the Sacred Order of San Francisco, went with me to the very high hill of Santa Clara,[6] which is exactly north[7] of the head of the Sea of California, and from which it is seen most plainly that this sea ascends no higher up, and that California has a continental connection with this mainland of New Spain. Of the truth of this his Reverence, with Ensign Juan Mateo Ramires and Commander Juan Duran, gave me a sworn certificate.

From two other journeys which I made, one to the north and the other to the west, it came about that more than twenty governors and captains of this extensive Pimería came from fifty, seventy, ninety, and more than one hundred leagues' journey to this pueblo of Nuestra Señora de los Dolores to ask of me fathers and holy baptism for all the people of their rancherías. And, I having suggested to them that

[1] In 1699, while on the Gila above the Yuma junction, Kino was given a present of some blue shells, which became the inspiration for a new series of explorations. He reasoned that if these shells came from the Pacific Ocean, there must be land connection with California. With this conviction, he made his journeys of 1701 and 1702.

[2] Yuma.

[3] Father Gilg went on the expedition of February and March, 1699.

[4] In 1701. They went to the seacoast west of Sonóita.

[5] In 1702.

[6] In 1706.

[7] It is considerably south of east from the very head of the Gulf.

those fathers must be asked from the Father Visitor, who was about one hundred leagues from here, they asked me to give them guides to go with them, that they might go there to ask the means for their salvation; so I had to go with them for that purpose as far as Santa Maria de Baseraca,[1] ninety-six leagues beyond, to see the Father Visitor, Horacio Polise, who, particularly since then, has always been most sympathetic toward and fond of these new conversions. He consoled them as best he could, receiving them with all affection, promising them that he would do his very best to secure for them the necessary missionary fathers desired, and they asked them from Mexico of the Father Provincial, Juan de Palacios. In his new and large church of Santa Maria de Baseraca the Father Visitor catechised and baptized one of the captains, who was named Marcos, after his godfather, the governor of Baseraca, and who aided us generously, particularly in all the environs of his incipient pueblo of San Ambrosio del Busanic.

The Father Visitor, Horacio Polise, in thanksgiving for the comfort which he felt in the coming of so many new people, although it was in October, chanted a solemn mass to the three holy kings, who were the first to see and recognize and adore the Redeemer of the world;[2] for some of them came more than two hundred leagues, and, with as many more which they had to travel in return to their homes, the distance was more than four hundred. His Reverence wrote to the señor governor of the arms of this province that he also ought to try to inform himself of the good state of this Pima nation, since if it were promoted it would be very advantageous for everything, and especially to restrain the enemies of this province of Sonora, the Hocomes and Apaches. His Lordship therefore sent twenty-two soldiers to Quiburi,[3] whither we went and found Captain Coro, who with his people was dancing over the scalps of some hostile Hocomes whom he had killed a little while before.[4]

On this occasion, when I made a mission, or journey, to the neighboring Pimas Sobaiporis, and met the twenty-two soldiers and their captain, Christoval Martin Bernal, since it was said that in the in-

[1] This was in 1697.
[2] *Primitiæ Gentium.*
[3] In 1697 under Captain Bernal.
[4] Quiburi was in the San Pedro valley near the present Mexican border.

terior there were horses stolen from this province of Sonora, and since I knew the contrary to be the fact, and that not these Pimas but the Hocomes, Apaches, and Janos were the ones who were committing these injuries, stealing horses from this province and its frontiers, I took them with me, that they might become eye-witnesses to the very friendly and good state of all these Pimas Sobaiporis. Their principal cacique and captain, called Aumaric [Humaric],[1] had come with his two sons two years before to Nuestra Señora de los Dolores to be catechised and baptized, and he was named Francisco; and his elder son was named Francisco Xavier, and the other son Horacio Polise.

We entered together from Santa Ana de Quibori by the valley and river of San Joseph de Terrenate,[2] Captain Coro also accompanying us. We arrived by the same river at the very pleasant valley of the Pimas Sobaipuris, and at the Rio Grande de Hila, the above-mentioned Captain Francisco Humari coming more than thirty leagues to meet and receive us, with his two sons, one of whom was governor and the other alcalde of his great ranchería of San Fernando. In no place did we find the least trace of horses stolen from this province of Sonora. Everywhere they received us with crosses and with arches erected on the roads, and with various gifts, and with their many viands. By the Hila River we descended more than forty leagues farther to the west, to the Casa Grande and to La Encarnacion del Tusconimo,[3] where we were received with much joy on his part and on ours, with many crosses and with many arches placed on the roads, by the captain of that great ranchería, who was called Juan de Palasios, for we had given him this name of the actual Father Provincial at his baptism, he being one of those who two months before had gone to Santa Maria de Baseraca to see the Father Visitor Horacio Polise.

Afterwards we returned by the extensive valley of the other Pimas Sobaiporis to the west, namely, San Francisco Xavier del Baac of the Rio de Santa María;[4] and coming by San Caietano, San Gabriel de Guebavi,[5] San Luiz de Bacoancos, and Santiago de Cocospera, to this

[1] From near the Gila River.

[2] The San Pedro.

[3] Villages on the Gila near Casa Grande.

[4] The Santa Cruz.

[5] In the Santa Cruz valley, a few miles northeast of Nogales. The ruins of the mission founded by Kino were still visible in 1911, and were seen by the present writer. San Cayetano and San Luis de Bacoancos were both in the Santa Cruz valley, with Guebavi between them.

pueblo of Nuestra Señora de los Dolores, we went also to the neighboring pueblos of Cucurpe and Toape, where was found Father Melchor Bartiromo.

Hearing that we had found those more than seven thousand Pima Sobaiporis so friendly, and disposed to receive our holy Catholic faith, and without the very least trace of hostilities, or of having stolen horses, and that in almost all places they received us with arches and with crosses placed on the roads, and with their many provisions, and that they had given us more than seventy little ones to baptize, and that we had given more than sixty staffs of office to justices, governors, captains, alcaldes, fiscales, constables,[1] etc., and that the principal captain of these natives, Humaric, had come more than thirty leagues to meet and receive us, said Father Melchor de Bartiromo chanted another solemn mass at Toape to Nuestra Señora de la Concepcion, in thanksgiving for so happy a result and for the great ripeness of that harvest of so many souls.

In all the more than forty journeys or missions which I made into the interior, through the teaching of the Christian doctrine and the love and fear of God, in order that the poor natives may arrive at eternal good fortune and escape from the eternal fires, and through the charitable, paternal, and good treatment which according to our holy institute we have attempted to give these poor Indians, they have always given me many little ones to baptize. In the first journey or mission, which, coming from the Rio Grande, from the north to the south, I made to these coasts of the Sea of California,[2] where they never had seen any white face or Spanish person in the eighty leagues of coast which I travelled, more than five thousand Indians being reduced, they gave me four hundred and thirty-five infants to baptize in the great ranchería alone which we named San Francisco.[3] On the 4th of October, after mass, they gave me one hundred and two little ones to baptize; and in the afternoon, at the neighboring ranchería which followed it, and which we named San Serafin, they gave me sixty others. When two years afterwards the Father Visitor, Anttonio Leal,[4] in his holy and apostolic visit, penetrated, with Father Francisco Gonzalvo and me, more than eighty leagues northward and went as far as San Francisco Xavier del Baac of the Sobaiporis, and as far as

[1] *Topiles.*
[2] That of 1698.
[3] San Francisco del Adid.
[4] In 1699.

San Augustín,[1] and returned by the westward, he arrived at San Serafin and San Francisco, solemnizing several baptisms in different places, greatly consoling and edifying all this extensive Pimería and its neighboring nations; and at San Serafin and San Francisco the little ones whom I had previously baptized received his Reverence with their little crosses in their hands, a great number of which were afterwards collected, some being given to the Father Visitor and others to me. Those which they gave me I took to Nuestra Señora de los Dolores. The Father Visitor, with his paternal holy zeal, was captivated by, and looked always with his very warm love and affection upon these new conversions and these holy new Pima missions; and having visited this one of Nuestra Señora de los Dolores, that of San Ygnacio, and that of San Pedro y San Pablo del Tubutama, he aided us to secure some fathers for the rest.[2]

With all these expeditions or missions which have been made to a distance of two hundred leagues in these new heathendoms in these twenty-one years, there have been brought to our friendship and to the desire of receiving our holy Catholic faith, between Pimas, Cocomaricopas, Yumas, Quiquimas,[3] etc., more than thirty thousand souls, there being sixteen thousand of Pimas alone. I have solemnized more than four thousand baptisms, and I could have baptized ten or twelve thousand Indians more if the lack of father laborers had not rendered it impossible for us to catechise them and instruct them in advance.[4] But if our Lord sends, by means of his royal Majesty and of the superiors, the necessary fathers for so great and so ripe a harvest of souls, it will not be difficult, God willing, to achieve the holy baptism of all these souls and of very many others, on the very populous Colorado River, as well as in California Alta, and at thirty-five degrees

[1] San Agustin del Oyaut, north of where Tucson now stands. Across the river and farther south was San Cosme del Tucson.

[2] They came in 1701. Father Juan de San Martín took charge of the mission of Guebavi, with San Cayetano and San Luis as *visitas*; Father Francisco González took charge of San Xavier del Bac; Father Ygnacio de Yturmende went to Tubutama, and Father Gaspar de los Barrilas went to Caborca. "Favores Celestiales," pt. II, bk. II, ch. 13. Bancroft maintains that there were no resident missionaries in Arizona in Kino's day, but this shows that he was mistaken.

[3] The three tribes last named were all Yuman, living on the lower Colorado and the lower Gila rivers. See Hodge, *Handbook*, under the respective names.

[4] Ortega, and others who follow him, state that Kino baptized more than forty thousand Indians. This is the result of adding a cipher to Kino's own figures, which he more than once gives as four thousand.

latitude and thereabouts, for this very great Colorado River has its origin at fifty-two degrees latitude.[1]

And here I answer the question asked of me in the letter of the Father Rector Juan Hurtasum, as to whether some rivers run into the North Sea or all empty into the Sea of California, by saying that as this Colorado River, which is the Rio del Norte of the ancients, carries so much water, it must be that it comes from a high and remote land, as is the case with the other large-volumed rivers of all the world and terraqueous globe; therefore the other rivers of the land of fifty-two degrees latitude probably have their slope toward the Sea of the North, where Husson[2] wintered. Some more information can be drawn from the maps which I add to this report; and in order not to violate the brevity which I promised herein, I will add only that in regard to the fourteen journeys for two hundred leagues to the northwest, I have written a little treatise of about twenty-five sheets which is entitled "Cosmographical Proof that California is not an Island but a Peninsula,"[3] etc.; and that of these new discoveries and new conversions in general, by order of our Father-General, Thirso Gonzales, I am writing another and more extensive treatise, with maps, of which more than one hundred sheets are already written. By suggestion of his Reverence it is entitled "Celestial Favors of Jesus Our Lord, and of Mary Most Holy, and of the most Glorious Apostle of the Indies, San Francisco Xavier, experienced in the New Conversions of these New Nations of these New Heathendoms of this North America."

BOOK III

Of the very great Advantage to both Majesties which can be secured by the Promotion of these New Conquests and Conversions, on account of the many great Benefits and Utilities which they promise

For many years this province of Sonora has suffered very much from its avowed enemies, the Hocomes, Janos, and Apaches,[4] through continual thefts of horses and cattle, and murders of Christian In-

[1] In reality, about 43° 20′ N.
[2] Hudson.
[3] So far as the editor knows, this is not extant.
[4] Tribes living in general to the northeast of Dolores.

dians and Spaniards, etc., injuries which in many years not even the two expensive presidios, that of Janos[1] and that of this province of Sonora, have been able to remedy completely, for still these enemies continue to infest, as always, all this province of Sonora, with their accustomed murders and robberies and their very notorious and continual hostilities. They have already reached and they now go as far as Acenoquipe, in the Valley of Sonora itself; and as far as Tuape in the Valley of Opodepe;[2] and as far as San Ygnacio and Santa María Magdalena in this Pimería.

But, by founding very good missions for them in these new conquests and conversions, particularly in the good eastern valley of the great valley of Santa Ana de Hiburi,[3] where Captain Coro is at present,[4] who already is a Christian and is called Anttonio Leal, a great restraint can be placed upon these enemies, who are accustomed to live in the neighboring sierras of Chiguicagui; and by fortifying for said Captain Coro his great ranchería for a new pueblo, as shortly, God willing, we shall fortify him for the protection of Santa Maria Baseraca, he will continue better his accustomed expeditions against these enemies; and he will be able to chastise them, as he is accustomed to do, winning very good victories, as always, and even much greater, for the total relief of this province of Sonora, just as when a few years ago[5] he killed at one blow more than two hundred of those enemies, and as four months ago, in the expedition which he made in pursuit of those who were carrying off cattle and horses from the Real de Bacanuche,[6] he killed fifteen adult enemies and carried off ten little prisoners. One of them I have here in my house. One of them, having baptized and catechised them, I named Joan Miguel, which are the names of our Father-General and of the Provincial; the other I named Phelipe, in honor of our very Catholic monarch, God save him.

The promotion of these new conversions will serve also for the advancement, good government, and good administration of the many more missions which can be founded farther on, for there are prudent and weighty persons, zealous for the service of the Majesties,

[1] Janos is in northern Chihuahua.
[2] Tuape and Opodepe were in the San Miguel River valley, south of Dolores.
[3] Quiburi. The San Pedro valley in Arizona is meant.
[4] The principal Indian chieftain of that region.
[5] In 1698.
[6] A mining camp in the Sonora River valley east of Dolores, and north of Arispe.

who are of the opinion that in these more than two hundred leagues of new rich lands, inhabited by Indians industrious and newly conquered and reduced, a new kingdom can with ease be founded, which can be called New Navarre, as others are called New Viscaia, New Galisia, New Kingdom of Leon, etc.

By promoting the new conversions of this extensive Pimería, with the favor of Heaven we shall be able shortly to enter upon the reduction and conversion of the neighboring Apachería,[1] which lies to the north and northeast of us, and extends northwest to the very large Colorado River, or Rio del Norte, above the thirty-fifth, thirty-sixth, and thirty-seventh degrees of latitude and beyond, for we know that it flows from northeast to southwest and issues about ten leagues west of the province of Moqui;[2] for, we having sent messages to those natives up the Colorado River, already they invite us to enter to see them, and already they give us certain reports that soon, in imitation of the rest over here, they will become reduced to our friendship and to the desire of receiving our holy Catholic faith.

By way of the same Apachería, which is in thirty-two degrees latitude, we shall be able, with the divine grace, to enter to trade with New Mexico and with its nearest provinces, Moqui and Zuñi, for on an average it is not more than forty or fifty leagues, which is the distance at thirty-four degrees latitude, where live our already well-subdued and domestic Pimas Sobaiporis of San Fernando, the most remote, at the junction of the rivers Hila and San Joseph de Terrenate, or de Quiburi; at latitude thirty-six degrees, where are the provinces of Moqui and Zuñi; and as far as thirty-seven degrees, in which is found the Villa of Santa Fé of New Mexico; for we have also certain reports that before the revolt of New Mexico[3] the Spaniards of those provinces used to come by way of Apachería to these our most remote Pimas Sobaiporis to barter hatchets, cloth, sackcloth, blankets, *chomite*, knives, etc., for maize.

With the promotion of these new conversions not only will the Christian settlements already formed, new and old, have more protection, and be defended by them, as has been suggested, but at the same time a way will be opened to many other new conquests and

[1] The whole body of Apaches.
[2] The Hopi, in northeastern Arizona.
[3] The Pueblo uprising in New Mexico in 1680.

new conversions, in many other more remote new lands and nations of this still somewhat unknown North America: as for example, to the northward, to the Gran Teguayo; to the northwest, to the Gran Quibira;[1] and to the west, to California Alta, of this our same latitude of thirty-four, thirty-five, thirty-six degrees, and farther, and to its opposite coast and the South Sea; and to its great Bay of the Eleven Thousand Virgins;[2] to the famous port of Monte Rey, which is in neighboring and fertile lands (and a royal *cédula* came to Sebastian Biscaino that he should go to colonize it), and to the very renowned Cape Mendozino.

At the same time, after having entered to Moqui and New Mexico, to the northwest and the east, it will be possible to have communication with New France, and with the new conquests, conversions, and missions which at present they are making with their glorious and apostolic journeys from east to west. And if we enter to the north and northeast, and afterwards turn to the east, it will be possible to open a way to Europe from these new conquests and conversions of this North America where we are, only half as long as the road which we now have and are accustomed to travel, by way of the City of Mexico and the Port of Vera Cruz; for if the one road is much more than two thousand leagues, the other will be little more than a thousand.[3]

Just as to the northeast and east of this North America we shall be able to have a shorter road to Europe, in the same way we shall be able to have by the northwest and the west a convenient land route to Asia, and to Great Tartary and to Great China, since to the westward of Cape Mendocino and connected therewith follows the land of Jesso; afterwards comes the land which they call Tierra de la Compañia (may our Lord grant that some day it may be of the Company of Jesus and converted to our holy Catholic faith) and the land nearest to Japan; and afterward the narrow Strait of Anian, which is no more than ten or twelve leagues across, and has the convenience of an

[1] Gran Teguayo and Gran Quivira were two geographical names which persisted in Spanish-American geography until the nineteenth century. They were always assigned to regions northward of New Mexico, but were variously shifted about by different writers and map-makers. See indexes of Bancroft, *Arizona and New Mexico*; Bancroft, *History of the Northwest Coast*, II; Bancroft, *North Mexican States and Texas*, II.

[2] Port San Quentín.

[3] To open a northeastern route to Europe by way of the northern interior had long been contemplated.

island in the middle by which to pass to Great Tartary, and from there to Great China. For lately the very learned author of the very curious New Geographic Mirror,[1] Don Pedro de Mendosa, gentleman of the Order of Calatrabe,[2] notes that a few years ago Father Grimaldi, of our Company, having gone from Great China to Great Tartary, near those places and countries, learned that the sea, where I know that the Strait of Anian enters, was no farther distant than forty days' journey. And it is patent that there is no other Strait of Anian than this which I here mention, for although Drake, in order to carry his point that California was an island, would feign another Strait of Anian with another much-talked-of Sea of the North over here above California, and that he had turned back from his navigation, yet it is all false.

Another great advantage of much value to both Majesties will be that these new conversions and this province of Sonora and all the kingdom of Nueva Biscaia, by way of the Rio Grande, or Hila, which is that of El Tison, and by the land route to California will be able to provide a port of call to the China ship,[3] and trade with her, and succor with fresh food persons sick with the very painful disease of scurvy which she is accustomed to bring with her, originating from their salt, dry, and stale food, and all with very great advantages and gains for all, obviating the very long and costly transportation of many of their goods from these latitudes above thirty degrees to the port of Acapulco and from Acapulco to Mexico, and to these provinces of Nueva Biscaya, etc. And this port of call, with all due deference to the navigators of the China ship, it appears, might be at the Bay of Todos Santos, or at the famous neighboring port of San Diego of the opposite coast, which are at about the same latitude (though a little below) as the passage by land to California, that is, at thirty-five degrees.

There are royal *cédulas* and royal provisions which charge us to report the new heathendoms, and happily we shall comply with them if we try to secure, as is so just, the promotion of these new conversions. The new royal *cédula* of our very Christian, very Catholic monarch, Philip the Fifth, God save him many happy years, of July 17, 1701, orders that report be made to him not only of the state of the new conversions of California, which already has been very well executed in the exact printed report by Father Francisco María

[1] *Nuevo Espejo Geográfico.* [2] Calatrava. [3] The Manila galleon.

Picolo, but "also of the location and state of the uncivilized heathen Indians of this province of Sonora."

And the royal *cédula* of his immediate predecessor, Don Carlos the Second, God rest his soul, charges the same, as given me by the royal Audiencia of Guadalaxara inserted in my royal provision when twenty-one years ago I came from California and from Mexico to these new conversions of this extensive Pimería. It is dated at Buen Retiro, May 4, 1686. With this royal *cédula* his royal Majesty relieves his conscience, and that of the royal council, by charging the consciences of those of us who live over here near and bordering upon these heathen nations in order to seek the means for the eternal salvation of so many souls in this North America who live in such helplessness and even neglect, as the royal *cédula* expresses it, as hitherto has been unknown, in a matter so very essential, and by commanding that all the time possible be gained for him therein without sparing expense, since it is plainly recognized that our Lord always repays well known and very much augmented increase to the royal crown. All these are words from the royal *cédula*.[1]

It is plain, moreover, that by the Catholic promotion of these new conquests and conversions, or the new kingdoms of this New Navarre, the Catholic empire of the Catholic royal crown and of our holy mother, the Roman Catholic Church, is happily extended, so that happily all the world may be one fold with one shepherd,[2] and this, by the divine grace, without great expenditure from the royal chests, and with only the accustomed alms for the missionary fathers, because the natives are so reduced and so domestic that they themselves, even without the expense of sustaining soldiers, are able to inflict and do inflict very exemplary punishment of whatever evil, crime, theft, adultery, or murder which may or is accustomed to happen.

At the same time we hope, God willing, that by means of our superiors over here in Mexico, and those in Madrid and Rome, we shall bring it about that his Holiness will grant to all the benefactors and promoters of these new conquests and new conversions some very favorable indulgences, and fullest rejoicing[3] in life and for the hour of death; and that also his royal Majesty, God save him for many

[1] This *cédula* is quoted in full in "Favores Celestiales," pt. I, bk. I, ch. 2. The date is given there as May 14, 1689. Kino does not here quote exactly, but only in substance.

[2] *Ut* (*i.e.*) *ut fiat unum ovile et unus pastor. Cf.* John x. 16.

[3] *Jubileos plenisimos.*

years, will be pleased to honor the benefactors and promoters with immunities, privileges, and exemptions, from his royal magnificence and magnanimous liberality. And perhaps of these benefactors there may be founded a pious congregation of Mary Most Holy and of the Twelve Disciples, as it is said there is one in Peru.

If we continue with the promotion and advancement of these new conversions, we shall be able to continue to make correct maps of this North America, the greater part of which has hitherto been unknown, or practically unknown, for some ancients blot the map with so many and such errors and with such unreal grandeurs and feigned riches as a crowned king whom they carry in chairs of gold, with walled cities, lakes of quicksilver, of gold, of amber, and of corals. With reason Father Mariana rebukes them for deceiving us with these riches which do not exist. They do not say a word about the principal riches that exist there, which are the innumerable souls redeemed by the most precious blood of our Redeemer, Jesus Christ, and these accompanied by the very abundant conveniences and temporal means, utilities, facilities, and opportunities which immediately and without any fiction I shall mention in this fourth part of this report.

BOOK IV

Of the many Temporal Means, Facilities, and Opportunities, which Our Lord offers and gives in these new Conversions in order to be able to secure this great Advantage for both Majesties

The greater the means the greater our obligation to seek the salvation of so many souls in the very fertile and pleasant lands and valleys of these new conquests and conversions. There are already very rich and abundant fields, plantings and crops of wheat, maize, frijoles, chick-peas, beans, lentils, bastard chick-peas, etc. There are good gardens, and in them vineyards for wine for masses, with reed-brakes of sweet cane for syrup and *panocha*, and, with the favor of Heaven, before long for sugar. There are many Castilian fruit trees, as fig-trees, quinces, oranges, pomegranates, peaches, apricots, pear-trees, apples, mulberries, pecans, prickly pears, etc., with all sorts of garden stuff, such as cabbages, melons, watermelons, white cabbage, lettuce, onions, leeks, garlic, anise, pepper, mustard, mint, Castilian roses, white lilies,

etc., with very good timber for all kinds of building, such as pine, ash, cypress, walnut, china-trees, mesquite, alders, poplar, willow, tamarind, etc.

Another temporal means which our Lord gives us for the promotion of these new conquests are the plentiful ranches which are already stocked with cattle, sheep, and goats, many droves of mares, horses, sumpters, mules as well as horses, pack animals necessary for transportation and commerce,[1] with very rich and abundant pastures all the year to raise very fat sheep, producing much tallow, suet, and soap, which already is made in abundance.

The climate of most of these new lands and new conquests where the promotion of these new conversions is asked, is very good and pleasant, and somewhat similar to that of Mexico and to the best of Europe, with neither too great heat nor too great cold.

In these new nations and new lands there are many good veins and mineral lands bearing gold and silver; and in the neighborhood and even in sight of these new missions and new conversions some very good new mining camps of very rich silver ore are now being established.

The natives of these new conquests and new nations are industrious Indians, who are docile, affable, and very friendly, and at the same time warlike and valiant, able to defend themselves against their enemies and to fight against our adversaries the enemies of this province of Sonora, for these our Pimas defend themselves very well, better than any other nation whatsoever, against the warlike Apaches, and their allies, the Hocomes, Janos, etc.; and they continually win very good victories over them, even with notable relief to this province of Sonora, taking away from them at times their prisoners and stolen articles.

These natives, particularly those of this extensive Pimería, have very good fabrics of cotton and of wool; also many nicely made baskets, like hampers, of different sizes, many colored macaw feathers, many deer and buffalo hides, and toward the sea coast much bezoar, and the efficacious *contrayerba*,[2] and in many parts the important medicinal fruit called the *jojoba*.[3]

[1] In the last years of the seventeenth century Kino established several stock ranches in the Santa Cruz and San Pedro valleys to supply the missions projected. Farther south he and his associates established many more ranches.

[2] *Dorstenia contrayerba*, a medical plant.

[3] "American fruit, similar to judías [*phaseolus vulgaris*], small and of the color of a chestnut. The inside is white and bitter but pleasing to the taste. It is used as a digestive" (*Diccionario Salvat*).

On this coast of the Sea of California, or Californian Gulf, of these new conquests, we have very good salt beds, of white as well as rock salt; and there are inlets and posts very suitable for fishing for all sorts of very savory fish, shrimps, oysters, etc.

All these nations, not only those of this extensive Pimería, but also those of the neighboring Cocomaricopas, Yumas, Quiquimas, etc., all the year continually come to see me from fifty, seventy, one hundred, one hundred and fifty and more leagues from the interior. Others from even more remote parts have sent very friendly messages and gifts, among them blue shells from the opposite coast and South Sea, and they ask me to go to see them and baptize them, and to secure for them missionary fathers who may go to minister to them.

Not only do these natives come so many leagues to this my pueblo of Nuestra Señora de los Dolores to ask of me the succor of the missionary fathers whom they need, but as I cannot give them and do not secure for them, many of the governors, captains and caciques, after having come from the north, northwest, west, etc., fifty, seventy, one hundred, and more leagues, go and have gone many times to see the father visitors and father rectors and *alcaldes mayores* and their deputies, to the valley of Sonora, to the Real de San Juan, and to Oposura.[1] Sometimes they have gone to the valley of Santa Maria de Baseraca, which is about one hundred leagues distant from here. Last year during the journey and visit of the Father Visitor, Francisco María Piccolo, to this Pimería, more than thirty governors, captains, alcaldes, fiscals, etc., came from the interior, all on horseback. As his Reverence had just set out from this Pimería, all went, and I with them, to overtake his Reverence as far as Cucurpe, where he promised them that the necessary fathers, for whom they very anxiously prayed, should come to them. Up to the present they have not arrived, perhaps because there has not been in Mexico, as has been written me, means with which to equip them; but at present two pious persons offer to send from here the necessary equipment for two or three fathers. May our Lord bring them!

Another of the advantages and means which here facilitate the desired service of both Majesties, is the fact that this Pima language which we speak here extends more than two hundred leagues into the

[1] San Juan and Oposura are both on the upper water of the Yaqui River, southeast of the Arispe.

interior, even among the other and distinct nations of the Cocomaricopas, Yumas, and Quiquimas, for in all places are found intermingled some natives who speak both languages, that of the nation where they are and our Pima tongue, and therefore everywhere we have plenty of good interpreters, both men and women, for the reduction and teaching of all, and to explain to them promptly the Christian doctrine and the mysteries of our holy Catholic faith.

In all these new conquests and new people where we have travelled they have no particular idolatry or doctrine which it will be especially difficult to eradicate, nor polygamy, nor *ponios* as in Japan and in Great China, and although they greatly venerate the sun as a remarkable thing, with ease one preaches to them, and they comprehend the teaching that God Most High is the All-Powerful and He who created the sun, the moon, and the stars, and all men, and all the world, and all its creatures.

In these new conversions the natives have, even far in the interior, as is the case of Nuestra Señora de la Consepcion del Caborca, forty-six leagues to the westward, in San Ambrosio del Busanic, thirty-seven leagues to the northwest, and in San Francisco Xavier del Bac, sixty leagues to the north, pueblos or missions begun, with good beginnings of instruction in the Christian doctrine and in prayer.[1] In these places there are *temastianes*, or teachers of the doctrine, and many infants and some adults have been baptized. They have their cabildos of justices, governors, captains, alcaldes, fiscales, and their *topiles*, *alguaciles*, etc. They have good beginnings of houses for the comfortable living of the fathers whom they hope to receive, and of churches, fields of wheat, maize and beans, cattle, sheep and goats, horses and mules, droves of mares and of horses, and beginnings of gardens, all of which the very domestic and loyal natives tend, as if the fathers whom they pray and beg for and hope and deserve to receive were already living there.

This first mission, or district, or pueblo, of Nuestra Señora de los Dolores, is actually arranging for and delivering a decent equipment for founding the new mission of Santa María de Bagota, which is twenty-two leagues from here toward the north, that is, new vestments with which to say mass, three hundred head of cattle for their ranch, one hundred head of sheep and goats, a drove of mares, a drove

[1] From this, as from other data, it is inferred that there was now no resident missionary at San Xavier.

of horses, a house in which to live, the beginnings of a church, with provisions and the necessary furnishings for a house, and the beginnings of sowings and crops of wheat, maize, etc. Almost as much was given, to the value of three thousand pesos, from the stock of Nuestra Señora de los Dolores, a few years ago, for the founding and equipment of the mission of San Ignacio; and other like aid this and other missions of these new conquests and new conversions will be able to give in time.

The promotion of these new conversions and the service of both Majesties which is hoped for in them is greatly facilitated by the fact that different benefactors, missionary fathers of the old missions of the Company of Jesus, as well as secular gentlemen, promise very good aid in the form of cattle, sheep and goats, horses, clothing, fabrics or garments, provisions, and some silver, to aid the new missionary fathers who may come to these new conversions to found new missions, for their churches and houses, the value already amounting to more than twenty thousand pesos. One person alone offers five thousand in suitable goods, with some silver, for the founding and for the church, house, and fortification of the settlement or great mission of Santa Ana de Quibori, where Captain Coro lives; because it is notorious that those his natives will be able to continue to pursue the neighboring avowed enemies, the Hocomes, Janos, and Apaches, for the very great and total relief, or remedy, of all this province of Sonora.

Now, in addition, at the very same time that this brief report is asked of me and I am writing it, the Señor commissary curate and vicar of the Real de San Juan, Don Anttonio de Zalasar, writes me that his Illustriousness, the Most Pious Prince of the church, the Señor Doctor Don Ygnacio Dias de la Barrera, most meritorious Bishop of the city of Durango and of all these provinces, has said to his Grace in the city of Guadiana, Durango,[1] within the past few months, that he is possessed of very Catholic and most zealous holy determination to seek, although it may be by alms, the necessary aid and equipment for some few missionary fathers to live in and administer these new conquests and conversions. These, then, are the opportune means which our Lord offers us to enable us to accomplish a great service of both Majesties and the eternal salvation of very many souls in all this most extensive North America.

[1] Pimería Alta was under the jurisdiction of the diocese of Durango at this time.

Epilogue very suitable and so much the more because unlooked for, in regard to the above-mentioned Means, as well as in regard to the Subject-Matter of all this Report or Relation, for which prays the new Letter of our new Father-General, Miguel Angel Tamburini, which has just arrived from Rome, at these new Conversions[1]

More than three years ago, by order of our Father-General, Thirso Gonzales, God rest his soul, I sent to Rome a relation of the state of these new conversions, which was altogether very conformable to and uniform with a relation which the Father Visitor Horacio Polise had also made, and which the Father Rector Juan María de Salvatierra had seen, subscribed to, and approved. And now, in the most courteous, holy letter, which, having just written this present report, I have just received from our new Father-General, Miguel Angel Tamburini, his Reverence writes me, very much to our purpose, the following:

I received with special comfort two letters from your Reverence, dated January 24 and June 30, 1704. With them comes what your Reverence calls a dedicatory for the treatise which is being perfected with the title of "Celestial Favors Experienced in the New Conquests and New Conversions of North America." In the letters as well as in the draft of the dedicatory, which contains the notices of the new discoveries and of their state, I find much wherein to praise the mercies of God, in those nations which are being discovered and brought to his knowledge; and our Company owes special thanks to His Divine Majesty, because He uses her sons as an instrument so greatly to His glory.

Very much do I rejoice at the aid which your Reverence has sent and is arranging to send every year to the Californias, and at the two churches which you have built and dedicated, which have become among the best there are in the province, and that you are continuing your treatise on those missions with the title of "Celestial Favors," of which you have sent us hither the first part. I am hoping for the other two which your Reverence promises, and that they all may be approved in Mexico, that they may be published. All the notices which your Reverence gives me fill me with joy, and with a desire to repay the anxieties and glorious travails of your Reverence and of your companions; but just as you have opposition there, we here regret that the war, lack of commerce, and perils of the sea keep our missionaries detained. But we all hope, with great confidence in the loving providence of God, that, since in these very contrary times He has willed to discover those new nations and to show us so many souls who wander scattered outside of His fold, it is

[1] Father Michele Angelo Tamburini was general of the Society of Jesus from 1706 to 1730.

not that we may see them perish, but to give us means and forces to bring them from their forests and reduce them to pueblos and churches. Therefore, I pray His Divine Majesty to guard your Reverence many years, as I desire.

Your Reverence's servant in Christ

MIGUEL ANGEL TAMBURINI

Rome, Sept. 5, 1705

. . . . . .

44. DECREE EXPELLING THE JESUITS FROM SPAIN AND HER POSSESSIONS

[February 27, 1767. *Colección General de las providencias hasta aquí tomadas por el gobierno sobre el estrañamiento y ocupación de temporalidades de los regulares de la Compañia, que existian en los dominios de S. M. de España, Indios, e Islas Filipinas*, Madrid (1767), 1, 2. Translated by Bernard Moses in *Spain's Declining Power in South America, 1730–1805* (1919), 104–106. Reprinted by permission of the author and the University of California Press.]

This royal decree, the *Real Decreto de Ejecución*, was sent to Count Pedro Pablo Aranda, president of the Council of State in Spain. Count Aranda issued orders for the expulsion of the Jesuits from the Indies on March 1, 1767, in accordance with the instructions of Charles III.

Having accepted the opinion of the members of my Royal Council in Extraordinary, which met on the 29th of last January for consultation concerning past occurrences and concerning matters which persons of the highest character have reported to me; moved by very grave causes relative to the obligation under which I find myself placed of maintaining my people in subordination, tranquillity, and justice, and other urgent, just, and necessary reasons, which I reserve in my royal mind; making use of the supreme economical authority, which the Almighty has placed in my hands for the protection of my vassals, and the respect of my crown; I have ordered that the Jesuits be expelled from all my dominions of Spain, the Indies, the Philippine Islands, and other adjacent regions, priests as well as coadjutors or lay-brothers, who may have made the first profession, and the novices, who may wish to follow them; and that all the properties of the Society in my dominions be taken; and for the uniform execution of this decree throughout these dominions I give you full and exclusive authority; and

that you may form the necessary instructions and orders, according to your best judgment, and what you may think the most effective, expeditious, and peaceful method for carrying out these instructions and orders. And I wish that not only the magistrates and superior tribunals of these kingdoms may execute your mandates punctually, but that the same understanding may be entertained concerning those which you may direct to the viceroys, presidents, audiencias, governors, corregidores, alcaldes, mayores, and any other magistrates of those kingdoms and provinces; and that in response to their respective requests, all troops, militia or civilian, shall render the necessary assistance, without any delay or evasion, under pain of the delinquent's falling under my royal indignation; and I charge the provincials, presidents, rectors, and other superiors of the Society of Jesus to accept these provisions punctually, and in carrying them out the Jesuits shall be treated with the greatest regard, attention, honesty, and assistance, so that in every respect the action taken may be in conformity with my sovereign intentions. You will keep this in mind for its exact fulfillment, as I very confidently expect from your zeal, activity, and love of my royal service; and to this end you will give the necessary orders and instructions, accompanying them with copies of my royal decree, which being signed by you shall be given the same faith and credit as the original.

45. Letter written to Pope Clement XIII by His Majesty Charles III, on Occasion of the Total Expulsion of the Jesuits from his Kingdom

[March 31, 1767. J. P. and W. P. Robertson, *Letters from Paraguay* (1838), II, 81–82. Published by J. Murray, London.]

Pope Clement XIII was opposed to the act of Charles III expelling the Jesuits. A short time after the edict of expulsion he wrote: "Is it the Catholic Charles III., whom we so much love, that is to fill to the brim the cup of our bitter afflictions; to overwhelm our unhappy old age with grief and tears; and finally to precipitate us into the tomb?" And he added: "We say it in the presence of God and man, that the body, the institution, the spirit of the Company of Jesus is absolutely innocent;

and not only innocent, but that it is pious, it is useful, it is holy; and all this whether considered with reference to its laws, to its maxims, or to its objects. Those who have attempted to detract from its merits, have only called down upon their lies and contradictions the contempt and detestation of all good and impartial men."[1] It was not until 1773 that the Society of Jesus was suppressed by orders of the Pope.

Most Holy Father,

Your holiness is well aware that the first duty of a sovereign is to watch over the peace and preservation of his state, and to provide for the good government and internal tranquillity of his subjects. In compliance with this principle, I have been under the imperious necessity of resolving upon the immediate expulsion of all the Jesuits who were established in my kingdoms and dominions, and to send them to the state of the church, under the immediate, wise, and holy direction of your most holy beatitude, most worthy father and master of all the faithful.

I should fall under the obliquy of throwing a heavy charge upon the apostolic privy council, by obliging it to exhaust its treasures in the supporting of those poor Jesuits who happen to have been born my vassals, had I not made previous provision, as I have, for the payment to each individual of a sum sufficient to maintain him for life.

On such understanding, I pray your holiness to view this my determination simply as an indispensable step of political economy, taken only after mature examination, and the most profound reflection.

Doing me the justice to believe this (as I pray you will), your holiness will assuredly grant your holy and apostolic benediction on this measure, as well as on all my actions, which have for their object, in the same way, the promotion of the honor and glory of God.

(Signed) Yo El Rey

[1] Robertson, *Letters from Paraguay*, II, 83.

ECONOMIC AFFAIRS OF THE INDIES

46. Royal Decree prohibiting Trade between the Indies and China [1]

[Madrid, February 11, 1593. Blair and Robertson, *The Philippine Islands*, VIII, 316–318.]

The restrictions enumerated in this royal decree on the commerce between China and the Indies are by no means either unusual or extraordinary. They were in keeping with the notions of the economic doctrines of the sixteenth century. Colonies existed, it was held, primarily for the purpose of advancing the interests of the mother country. In the following decree the merchants of the mother country, and more especially those of Seville, were given the preference over those of the Indies.

The King: Inasmuch as, whenever we have promulgated ordinances prohibiting trade between the Western Yndias [2] and China, and regulating that of the Philipinas, I have been informed that there has been neglect in the execution thereof; and that, as the merchants and other persons in the Northern Sea who trade in these our kingdoms of Castilla, and in the Yndias, have suffered so many losses during past years, and those engaged in the profits of the Chinese trade have gained so much, the latter has increased greatly, while the commerce of these my said kingdoms has declined, on which account both these kingdoms and my royal income have received great damage: therefore, since it is so important that the commerce of these my said kingdoms and of the Yndias be preserved and increased, and that there be quite usual communication and trade between them, I have, with the concurrence of my royal Council of the Yndias, determined to prohibit by new orders — as by this present I do prohibit, forbid, and order — in the

[1] Reprinted by permission of the publishers, The Arthur H. Clark Company of Cleveland, from *The Philippine Islands, 1493–1898*. Cleveland, 1903 to 1909.

[2] The word "Indies" was not infrequently spelled Yndies or *Yndias* in Spanish.

future, in any manner and under any circumstances whatever, any vessel from sailing from the provinces of Peru, Tierra Firme, Guatimala, Nueva España, or any other part of our Western Yndias, to China, for trade or traffic or for any other purpose. Neither can they go to the Philipinas Islands, except those from Nueva España, which are permitted to go by another decree of this same date. We have ordained that, should this be done, such vessel will be regarded as confiscated, with all its money, merchandise, and other cargo. One third part of all of this shall be applied to our exchequer, a second third to him who shall give information thereof, and the other third to the judge who shall pass sentence. And further, we forbid that any merchandise brought to the said Nueva España from the Philipinas Islands be transferred to the said provinces of Peru and Tierra Firme, even when the duties imposed on such merchandise have been paid. For our purpose and will is that nothing from China and the Philipinas Islands be used in the said provinces of Peru and Tierra Firme, except what may be there at present, and for which we allow them four years, to be determined from the date on which this our decree shall be promulgated. For this purpose every person shall register what he has at present before the justice of the city, town, or hamlet, where he lives, or of which he is a citizen. Henceforth whatever of the aforesaid merchandise shall be taken to the above-named provinces, or whatever shall be found in the possession of any person whatsoever, outside of the said register, or after the conclusion of the above time-limit, we order that it be confiscated also, and divided and shared as above stated. But we permit them to bring to these kingdoms, anything of the above-named articles that they may have had hitherto, within the limit of the said four years. I order my viceroys of Peru and Nueva España, my governor and captain-general of the Philipinas, the presidents and auditors of my royal audiencias of the Yndies, and all other magistrates therein, that they observe and fulfil this our decree, strictly, inviolably, and punctually; and that they execute the penalties contained herein without any remission or dispensation whatever, as is thus my will, and as is fitting for my service. They shall promulgate it in all places where this shall be necessary and desirable, so that all may have notice of it, and none plead ignorance. Given in Madrid, February eleven, one thousand five hundred and ninety-three.

I THE KING

47. Excerpts from Two Letters from the Count of Monterey to the King of Spain concerning the Trade of New Spain[1]

[May 15, 1602. Blair and Robertson, *The Philippine Islands*, XII, 61–69.]

The Count of Monterey, the viceroy of New Spain and later of Peru, dealt in the first of these letters with the complaints of the merchants of Peru. He agreed with them that it was not the merchandise of China but the inadequate regulation and control of that trade which would and did injure the trade of Peru with Spain. In the second he dealt with the large flow of money from New Spain to the Philippine Islands. He did not favor stopping this flow of money, but urged that the rules and regulations governing it should be more strictly enforced.

The merchants of the corporation of Los Reyes, Peru, declare that, in the commerce between that kingdom and this one, [Nueva?] España, they regard it as so necessary, that should it cease, it would mean complete destruction. On this account it must be preserved, and to this end all the means possible must be sought out.

Further, they declare that the merchandise brought to the kingdom of Peru from China is not the cause of this decline of commerce between the Yndias and España, but the inadequate regulation of the war and merchant fleets, and the winter seasons, which are the utter ruin and destruction of the merchants. This is plainly evident, since before the wars with Ynglatierra, when this matter was properly attended to, the commerce was extensive and profitable — although there was no need of so much merchandise as there is now, when the population of Peru is so much larger than at that time — and the merchants not only of España but of Peru were amassing wealth. But now they are not doing so, for the reason that is here named. All is going to destruction: payments cannot be met when due; and duties are excessive, for in order to send money to España, the shippers pay seven and one-half per cent for the galleons to guard the money, and when goods are shipped from Sevilla, they pay as much as three and

[1] Reprinted by permission of the publishers, The Arthur H. Clark Company of Cleveland, from *The Philippine Islands, 1493–1898.* Cleveland, 1903 to 1909.

one-half per cent. The principal cause of this loss is the time [required to transact business]; for from the day when the money leaves Callao (the port of Lima) until it returns in merchandise to the same point there is an interval of at least three years, counting the winters; and before they can secure returns from the merchandise another year, or even a year and one-half, must pass, for not all the merchandise can be sold for cash. Consequently this money can gain its profit only once in four years, when it could, as formerly, be thus handled twice in that time. And however great the amount of the profit, it cannot approach that of the two profits [in the four years], especially with the loss involved in the aforesaid duties for the fleets, and the new impositions of duty for the armed vessels that carry, in the South Sea, the money from Lima to Panama — and this is in addition to the duties paid to his Majesty. Thus it results that the merchants of Lima, who were formerly very rich and had ample credit, have become debtors; and this is the reason why the merchants of Sevilla do not make the same profits as formerly. Therefore there is a cry against Chinese goods, as they imagine that to be the cause of their loss. This is evident likewise, because the commerce existing formerly between Peru and Nueva España was very slight and now has increased greatly, and the Peruvian merchants prefer to go to Nueva España to make their investments rather than to España, because they can make the voyage to Nueva España in one year; and therefore can make many investments with their money. And although it is true that they bring Chinese merchandise in their shipments from that which arrives in that kingdom of Nueva España, still the greater part of the cloth bought by them is from España. Although this costs them more, the shortness of the time is of so great importance to them that they consider it more profitable than going to España, for the reason expressed above regarding the delay in time. Thus, with suitable arrangements regarding galleons and merchant-vessels, commerce is prosperously carried on.

Further, they declare that the kingdom of Peru has greatly increased, during the last twenty years, in its Spanish population, both in Spaniards born there, and in those who have gone thither from España, so that there are at least three times as many people. All these people live very luxuriously. All wear silk, and of the most fine and costly quality. The gala dresses and clothes of the women are so many and so excessive, that in no other kingdom of the world are found such;

so that if four merchant-vessels went to Peru annually, all the cloth goods would be sold, as well as everything else of the cargo. Because vessels go there only at long intervals, the people make use of goods from Nueva España and China. However, in the case of the Chinese goods, they are worn only by the very poor, and the negroes and mulattoes (both male and female), sambahigos, many Indians, and half-breeds, and this in great number. The silks of China are much used also in the churches of the Indians, which are thus adorned and made decent; while before, because of inability to buy the silks of España, the churches were very bare. As long as goods come in greater abundance, the kingdom will feel less anxiety, and the cheaper will be the goods. The increase to the royal exchequer will be greater, since the import duties and customs increase in proportion to the merchandise; and this increase cannot take place, if the fleets are laid up for the winter, for by this delay the merchant-vessels cannot be despatched annually — on which, and upon their money not lying idle, depend the profits of the merchants.

Therefore the merchants of Peru declare that commerce should be opened with China, and that they should be permitted to send one million [ducados] annually in two vessels, and that this million bring back merchandise to the same port of Callao. This merchandise will yield six millions, of which ten per cent, paid to his Majesty, will amount to six hundred thousand ducados. And if the license for one million is not given, it should be for one-half, the duties on which would be three hundred thousand ducados.

Further they declare that, if this be not conceded to them, they should be permitted to buy and carry to Peru the merchandise taken from China to Nueva España. There the duties on this merchandise would be imposed, and they would pay seven per cent on them, notwithstanding that only five per cent is paid in Nueva España. Paying seven per cent on the merchandise from China bought in Mexico, it will be seen of what little importance the four to six millions of ducados that Sevilla pays to his Majesty are to the royal estate, because it does not consent that goods from China may enter Peru.

And I assert that, should his Majesty ask me for my opinion, I would tell him that, if it is true that the Chinese merchandise can in no way injure the commerce of España, while its benefit to Peru is certain — especially to the poor and common people, of whom there

is a great number — and since it seems desirable, for the adornment of the churches of the Indians, that there should be goods from China, my opinion would be that license should be given for only one-half million (ordering under heavy penalties that this sum be not exceeded), to be used in the following manner: Four hundred thousand ducados' worth of merchandise should be brought, and one hundred thousand worth of gold bullion. The latter is likewise merchandise in China; but traders do not like to take it, as it yields them no more than fifty per cent, while on the other merchandise they make five hundred per cent and upward. Thus if this silver should be allowed to them, they would obtain gold, and this one-half million would yield three millions in Peru from merchandise which will be worth three hundred thousand ducados in import duties to his Majesty, besides the other dues imposed on the aforesaid goods. Thus the customs will increase, and, as said, these five hundred thousand ducados need not to be considered, as it is thought that this amount cannot diminish the commerce with España; for every year the merchandise of Peru yields six or seven millions, and if the trading fleets and armed galleys are sent at the same time, much more money will go to España, which on this account does not go there. These five hundred thousand ducados have, in previous years, always gone from China to Peru by way of Mexico; and as the merchants say truly, the winterings and increased duties and expenses of the winterings are causing the commerce to deteriorate. This is proved by the above arguments of the merchants, evidently cited from actual facts. Thus, if the merchants were provided with money, and were able to dispose of their cargoes every two years, and with the proceeds thereof begin new commercial enterprises, they would not be only exhausted and ruined, but rather they would be placed in easy circumstances and the country would be relieved from its difficulties by the gains thus made. With more goods, it is evident that the royal exchequer would benefit more as aforesaid. Therefore it would not be advisable to prohibit all commerce with China.

And at the very least, the five hundred thousand ducados should be granted, so that the merchandise taken to Mexico from China can be purchased in Mexico. Collecting in Peru the customs on these Chinese goods purchased in Mexico, seven per cent would be levied thereon, which plus the five per cent paid in Mexico, makes twelve per cent. The kingdom would feel greatly aggrieved if they were

deprived entirely of this commerce. And if Mexico continues to have trade with China, a considerable quantity of Chinese goods will, however many precautions will be taken, be hidden in the Mexican ships for Peru; while but very little of it will be seized, and his Majesty will lose almost four hundred thousand ducados, because the goods do not enter publicly. Therefore it would be advisable that this license be granted perpetually, with the above limitation.

A great lack of money has made itself felt in this colony; and, after having thoroughly investigated the cause thereof, it has been ascertained that it proceeds in part from the very great sum taken out annually for China. It is also attributed in part to the issue of the money from the treasury — not that it has been less than in other years, but it has always been much more limited than it might be, and than is advisable for a commerce that is increasing in extent and value so much as is that of this kingdom. And since it would be greatly to the advantage of the treasurer to coin more money, they impute to him that, by not spending something at present, he is thus niggardly in making the necessary provision, and that by this he loses much and the state more. These two difficulties are reënforced by another — that since there have hitherto been, for various reasons, very few traders who were inclined to buy silver from private persons and send it to the mint to have it coined on their account, it has resulted that four or five men have made themselves the masters of this traffic; consequently there has been a great increase this year in the loss incurred by those who sell their silver in order to be furnished with coin. All this has been observed at the time of the vessels and trading fleet; and it is a matter of much moment, in which it has seemed best to me to inform your Majesty, inasmuch as I have undertaken to institute a reform. This, please God, will be made with energy, as in breaking open a package. When the correctives usual in this region (which are mild) do not suffice, I will propose to your Majesty other and more severe measures, which might be adopted by the Council, and one might be of sufficient advantage to your Majesty. However, it were not advisable to discuss this, but that the necessity of the public government demands it and invokes it, since only at such times can it be called just or used as an argument.

I consider your Majesty's permit in regard to the money going to

the Philipinas as liberal and beyond the excess of what is carried as contraband, which is a very large amount. It is almost impossible to put a stop to this, notwithstanding, that I do not give permission, expressed or tacit, in that commerce for one real more than the amount allowed; and I have ordered vigorous investigations on this point at the time of the despatch of the vessels. But if it is easy to hide the money, there is littlė to fear in the penalties, although orders are given that they be executed. Accordingly, in case of the cloth that can be brought to and unloaded at Acapulco, I think that, as it has bulk, it can be locked up in some warehouse and examined, or (which would be more efficacious), that no limit be placed on the use of this class of goods in Nueva España, so that those persons whom the viceroy considers needy might not be restricted in wearing it. I fear greatly that in the case of the money, as it is so easy to hide, no sufficient reform can be instituted for this evil, as I see that there is no remedy in other things of like nature, either in the armed ships or the trading vessels from those kingdoms. There, however, is less damage; for this is all in money which goes to infidels and never returns, and thus militates against this country, and that [España], and greatly weakens the commerce of both. I recently made arrangements with Don Pedro de Acuña (as I wrote to your Majesty on another occasion) for making a personal inspection at Acapulco; it was decided that I should reject the money, and, because there have never been confiscations that cause fear, that some part of each one's share should be actually applied to the treasury, and that the same should be done in Manila. Since letters received from there state that goods are very dear because of the great quantities of money that go there, it must be that this inspection was not promptly made; and I fear that there is too much laxity there. For it would appear that those islands should grow rich with the increase of money, and that if they buy at high prices they must sell the goods here at high prices; and on this account regard and favor for that land must not give the governor and Audiencia opportunity to take severe measures toward this region. I intend to use rigor at the coming of the ships this year; for this is demanded by the prevalent excesses and our actual experience of the difficulties that result therefrom.

[*Endorsed:* "Copies of parts of letters from the Conde de Monterey, written to his Majesty, May 15, 1602."]

48. Royal Decree regulating the Commerce with New Spain[1]

[Valladolid, December 31, 1604. Blair and Robertson, *The Philippine Islands*, XIII, 256–267.]

The commerce between New Spain and the Philippine Islands was ordered to be continued. It was to be carefully controlled, however. Many rules and regulations for the better control of the trade were laid down in the decree. Irregularities and infractions of the laws were to cease. Great caution was to be exercised to prevent smuggling, and those caught engaging in illicit trade were to be punished according to law.

The King: The king my lord and father (may he rest in peace!) by various decrees prohibited trade and commerce of the Western Indias with the Philipinas Islands and China generally, to obviate the loss that resulted therefrom to these kingdoms and to their trade and commerce; and he ordered and commanded that no vessel whatsoever should go from the provinces of Peru, Tierra Firme, Guatimala, or any other part of the Western Indias, to the said kingdoms of China and the Philipinas Islands, under the penalties which were for that purpose imposed. But further, considering the importance of the preservation of the parts of those lands that are reduced to our obedience and to the Christian faith (which had been established there), and likewise for the greater extension of the gospel and of our holy Catholic faith, he allowed and gave permission for two ships to go each year from Nueva España to the said Philipinas Islands, each of three hundred toneladas, in which were to be conveyed reënforcements of troops and other things necessary, and the goods for trade which were to come thence to Nueva España, and which were shipped on account of the royal exchequer; the cost of sending these ships was to be taken from the freight-moneys for the goods, and the quantity and value of the goods freighted each year was not to exceed two hundred and fifty thousand pesos of eight reals, nor the return in money five hundred thousand for principal and profit, this trade being restricted to the citizens of the said Philipinas Islands. All the said goods must be

[1] Reprinted by permission of the publishers, The Arthur H. Clark Company of Cleveland, from *The Philippine Islands, 1493–1898*. Cleveland, 1903 to 1909.

consumed in the said Nueva España, or brought to these kingdoms; and in no case might they be taken to Peru nor to any other part of the Indias, under the penalties imposed for such violation, as more fully explained in the decrees cited, to which we refer. Although it has been ordered by other decrees at various times that these should be observed and complied with, I have been informed that this has not been done, and that the quantity allowed has been and is being greatly exceeded in the amount taken each year, with the knowledge and permission of my viceroys, audiencias, and governors — goods to the extent of more than two millions of ducats being registered and openly sent, besides what is secretly shipped. All this money finally makes its way into infidel kingdoms, whereby their power is increased; and from this have resulted great losses to our exchequer and to the commerce of these kingdoms with the Western Indias. Those chiefly interested in this trade are the citizens of Nueva España, Peru, and other provinces; they have taken the said merchandise there against the provisions and commands of the said decrees, and the warnings sent to the said viceroys, audiencias, and governors, and the measures that have been and are now being taken are not sufficient to prevent these violations. As the correction of these lawless acts and a remedy for the greater injuries that may be expected, are of so great importance and moment (all these difficulties having been represented to me), and as I have been petitioned by the prior and consuls of the mercantile corporation of Sevilla, and other persons who are zealous in behalf of my service that, in order to stop this, I should command the entire prohibition also of the trade of the said Nueva España with the said Philipinas Islands: Having discussed and considered this in my royal Council of the Indias, and consultations being held on all that should be considered in this matter, as it appears that they desire to prevent and avert future losses, and likewise aim to secure the preservation and growth of the Christian religion in the said islands, and the neighboring kingdoms, wherein the service of our Lord is so greatly concerned, I have decided that for the present the trade and commerce of the said Philipinas Islands with Nueva España should be maintained according to the ordinances; that the quantity of merchandise which may be carried each year from the Philipinas Islands to Nueva España is by no means to exceed two hundred and fifty thousand pesos of eight reals, as is provided; and the return of

principal and profit in money is not to exceed five hundred thousand pesos, which I have permitted. For no pretext, cause, or reason to be alleged therefore is this to be exceeded, and the traders in every case must be citizens of the said Philipinas Islands, and none others whatsoever, as is likewise ordered by the royal decrees of the king my lord, and under the penalties therein provided. These I command to be executed without fail against the transgressors, without there being any exemption or excuse.

Further, in order that this may be better accomplished, and to remove the opportunities for shipping a great deal of merchandise, and likewise that the crews may go and come in safety, it is my will and I permit that there be four ships in this trade, each of two hundred toneladas burden, and no more; and they shall be my vessels, and shall sail on my account, two each year; and the others shall remain in port making ready for the voyage of the succeeding year, as is ordered — for in this way they will sail at the proper time, without waiting for one another; nor shall they exceed this number and capacity. These ships shall be built expressly for that route, of the said size and of the required strength, on account of the inconveniences that have heretofore resulted from the ships being large and having been navigated on the account of private persons, in whose charge they were placed — which last must without fail cease.

Furthermore, in order to avoid such large expenses as have hitherto been incurred on that route, owing to the large number of agents and officials who have gone in the ships thereon, it is my will and command that from now on there shall be only one commander of the two ships, and one lieutenant, who shall be admiral. Each vessel shall take not more than one captain of war, besides the ship-master, and there may be as many as fifty effective soldiers in each ship, drawing pay; and the sailors who shall be necessary to go and return. These shall be kept under discipline, that they may be effective and practiced. There shall be two examined pilots and one assistant pilot for each vessel, of the necessary qualifications. For the present, and until further orders, I desire, and it is my will, that since the property to be traded will be that of the citizens of those Philipinas Islands, all these officials — commander, lieutenant, captains, masters, and pilots — shall be appointed by my governor and captain-general of the said Philipinas Islands and the archbishop of Manila, the present or the

future incumbents of those offices, notwithstanding that they have heretofore been appointed and furnished by my viceroy of Nueva España; and him I command to cease doing this from now on. If the said governor and archbishop do not agree in this selection, I command that they shall join with them the senior auditor of the Audiencia, and the decision of the majority of these shall be carried into effect. The persons appointed for these offices shall be chosen among the principal and honored citizens of the said islands, and the fittest to be found for the duties that they must perform. They shall give securities in the form and amount that may seem best to the said governor and archbishop, for the greater security of what may be in their charge. Their residencias shall be taken for each voyage by the auditors of my said Audiencia of Manila; and I command that they shall not be allowed to make a second voyage until they shall have given the said residencia, and account satisfactorily for what was in their charge.

As I have been informed that there have been many infractions and irregularities during past years on the part of the commanders, admirals, and officers of the said ships, in the matter of carrying money and bringing back great quantities of merchandise on their own behalf; and that they have caused serious grievances to the traders, especially to the citizens of the said islands: for the present I forbid and prohibit them in any case to trade or traffic, or to occupy or lade the said ships during the voyage made in their charge, in small or great quantity, under their own or any other name, in any article whatsoever; nor shall a single tonelada be assigned to them, as to the other citizens; nor can they buy or take from others any space for freight — under penalty of a perpetual deprivation of the said offices on the trade-route, and confiscation of the goods which they may have laded, carried, or taken, which on investigation may be found to be theirs.

I consider it well, and so decree, that, in order that the said officials may be maintained according to their station and the obligations of their offices, there shall be given to the said commander a salary of four thousand ducats, and to the admiral three thousand, for each voyage out and back. And I permit and allow the said governor and archbishop to give to the captains, soldiers, sailors, and artillerymen who shall go in the said ships for each voyage, the wages that they may assign as their earnings, and as just, for the said voyage; for to

these no more [than to their superiors] shall permission be given to lade, or cause to be laded, merchandise in quantities small or great, under the said penalties.

And as it has been understood that in the past more commanders than necessary have been appointed for the ships on the said route, and they have carried in the posts of artillerymen and sailors many who were not such, it is my will that this should cease and be corrected henceforth; and that for each piece of artillery that the ships carry, there shall go one artilleryman, and no more, nor shall wages be paid to superfluous men.

And in order that there may be the fitting account and regularity in all things, all proceedings shall be conducted equitably and with great precision in the matters ordered. It is my will and command that there shall be in the said vessels, and sail with them, an inspector and an accountant, to keep account and system in everything. And they shall inspect the articles laded as merchandise, and carried back on return in the said ships, and account for them in their books. The said inspector and accountant shall be appointed by the governor and archbishop in the same manner as they select the commander, admiral and other officers, and with the same intervention of the senior auditor of the Audiencia in case they do not agree. They shall take care that these be persons of approved qualifications, satisfactory, and worthy of confidence; and shall assign them such salary as may appear sufficient and just, provided that it does not exceed two thousand ducats a year to each man for each voyage, for they must not ship goods [for themselves] either little or much, under the penalties provided for the commander and admiral. And the said inspector and accountant must sail, one in the commander's ship and the other in the admiral's ship, alternating each voyage. The said governor and archbishop shall give them the instructions and plan which they must follow on the voyage, and they must give residencia like the other officers of the said fleet, before they embark again for another voyage; and the consciences of the said governor and archbishop are charged with the selection and appointment of all the said ministers and officials.

And since, on account of the overloading of the vessels which thus far have plied on the said Philipinas route, we have seen that many have been wrecked, with the men and goods which they contained, and as it is fitting that this be remedied and prevented, we command

that in future care be taken that the tonnage to be carried in the said ships shall be conformable to their capacity, leaving the space necessary for the men who sail in them, and the supplies they take — which must be sufficient so that in case of the lengthening of the voyage, for any cause which may arise, the men may not perish for lack of them. Great care should be taken that they be not overloaded or encumbered, so as to put them in danger of wreck or some misfortune; on the contrary, they should be lightly laden, and in such manner as will secure their safety against storms or enemies that may be encountered. The tonnage which, as aforesaid, is to be laden in them shall be allotted by my governor, the archbishop of Manila, the senior auditor and the fiscal of my said Audiencia, and two regidors of the cabildo of the said city of Manila, among the citizens of the said islands who may have property to invest. This allotment shall be made in the most equitable manner, and without aggrieving anyone (as we are confident they will do), for it is just that all should enjoy this benefit and convenience for their maintenance and benefit; and their object should likewise be that the country be peopled with useful colonists, such as will remain there.

I also command that my viceroy of Nueva España and the governor of the said Philipinas Islands, each so far as this concerns him, shall moderate and regulate the freight charges to be paid on what is laded in the said ships on their voyages to and fro, according to the expenses thereof — conformably to the reduction that is made in the tonnage of the said ships and the number of men who are to sail in them, and the other expenses incurred — in such manner that no superfluous or unnecessary expenses shall be incurred (but not so that necessaries or conveniences shall be lacking), and that it shall not be necessary to supply anything from my exchequer for the expenditures for the said fleet. For this reason the duties now levied and collected on the merchandise shall be raised two per cent, and that on silver another two per cent, by way of avería[1] as is done on that carried from the Indias via the Northern Sea in the fleets and armed vessels; for this is conformable to the profits of those that trade in the said Philipinas route. The proceeds of this shall be a special fund, with a separate account carefully kept, in the said city of Manila, to be used for the expenses contracted for the said ships and their crews; with this shall be placed

[1] Literally, "average;" a certain duty levied on merchandise in the India trade.

the freight charges which may be collected conformably to the order which will be given, as has hitherto been done; and in all things the necessary order and system must be maintained by the said accountant and inspector, and by my royal officials of the said Philipinas Islands.

I charge and command my viceroys of Nueva España, both present and future, to take especial care in the accomplishment and execution of all the foregoing; and to station in the port of Acapulco, besides the royal officials who are now there, a person of great integrity, trustworthiness, and competence, with a commission as alcalde-mayor, so that this decree may be suitably enforced in all respects; and no more money may be carried [in the ships] than the amount permitted, whether with or without license. In the said port the registers of all that is brought from the said Philipinas Islands shall be opened by the person to whom that duty is entrusted by my viceroy and by the officials of my royal exchequer at the said port of Acapulco. They shall also together inspect and check off the bales and chests, with the scrutiny and care necessary to ascertain what has come without registry and contrary to permission. The said registers are to be sent to Mexico, as usual, with the results of the investigations made in the said port of Acapulco, by a person of integrity or by one of my said officials. In Mexico everything shall be again checked off, and appraised; and the duties that belong to me shall be collected and proper measures shall be taken to ascertain and learn what has come registered, and whatever shall be found to have come without registry, and whatever is carried contrary to the said prohibition, shall be confiscated: but no permission or opportunity shall be given for committing, in this procedure, or under pretext or occasion thus afforded, any injury or act of injustice against the owners of the said property.

And I command that the same care be taken at the port of Acapulco in examining the royal silver and other articles which may be embarked and carried to the said Philipinas Islands. The royal officials of the said port shall take account of them, and shall inform my governor thereof and the royal officials of the said islands, sending them the registers, and giving them all necessary information. As the majority of the persons who go every year from Nueva España to the said islands do not remain there, but return immediately, investing what money they possess, I command my viceroy of Nueva España to give permission to no one to go to the Philipinas Islands, unless

such person shall give securities that he will become a citizen and resident there for more than eight years, or unless he shall go as a soldier, sent to the governor; and against those who violate this decree, and their bondsmen, he shall execute the necessary penalties without fail.

And as it is my will that all the aforesaid should be complied with, observed and executed inviolably, as also the decrees which were ordered to be despatched by the king my lord, which are hereinbefore mentioned, concerning the said trade, in so far as they are not contrary to what is decreed and ordered, I command my viceroy of the said Nueva España and my governor and captain-general of the said Philipinas Islands, and my audiencias there, and my other judges and magistrates, and all private persons whomsoever — each in so far as concerns him — to observe and comply with, and cause to be observed and complied with this decree, with exactness, and to execute the said penalties without any exemption or remission. And in all cases of remissness or carelessness which these my ministers shall display in the fulfilment and execution of the said orders, I command that the penalties be executed against them, and the example which the affair demands shall be made; for this reason I command that, when the residencias of their offices shall be taken, they shall be made responsible for such matters. And that these commands may come to the notice of all, and none may pretend ignorance of them, I command that this my decree be publicly proclaimed. Issued at Valladolid, on the last of December of the year one thousand six hundred and four.

I THE KING

Countersigned by PEDRO DE LEDESMA; signed by the Council.

49. DECREES ESTABLISHING WAY STATIONS FOR PHILIPPINE VESSELS[1]

A. DECREE ESTABLISHING A WAY STATION FOR THE PHILIPPINE VESSELS ON THE CALIFORNIA COAST

[San Lorenzo el Real, August 19, 1606. Blair and Robertson, *The Philippine Islands*, XIV, 182–188.]

The difficulties and risks of the long voyage of the galleons between the Philippines and New Spain made necessary a halt-

[1] Reprinted by permission of the publishers, The Arthur H. Clark Company of Cleveland, from *The Philippine Islands, 1493–1898*. Cleveland, 1903 to 1909.

ing place for them on the California coast. The exploits of Francis Drake and of the English freebooter Thomas Cavendish, who captured and burned the *Santa Ana*, the Manila galleon, in 1588, called for protective measures. Viceroy Monterey had sent an expedition, in command of Sebastian Vizcaino, to explore the coast of California in 1597. Vizcaino returned to Acapulco in March, 1603, after having mapped the coast of California beyond Cape Mendocino. He had also discovered the bays of Todos Santos, San Diego, and Monterey.[1] He was therefore well fitted to undertake the new expedition provided for in the following decree.

The King: To Don Pedro de Acuña, knight of the Order of St. John, my governor and captain-general of the Filipinas Islands, and president of my royal Audiencia therein: You have already heard that Don Luis de Velasco, former viceroy of Nueva España — in view of the long navigation from the port of Acapulco to those islands, and the great hardship and danger of navigation in that voyage because of having no station wherein to repair the ships, and to supply them with water, wood, masts, and other requisite and necessary things — determined to explore and mark out the ports of the coasts from the said Nueva España to those islands. He ordered that this effort should be made by a vessel called "San Agustin;" but, as that vessel was lost, the said exploration was not then effected. You know that afterward the Conde de Monterrei, who succeeded him in that government, finding the same inconveniences in the said navigation, and thinking it advantageous to remedy them by making anew the exploration that Don Luis de Velasco had attempted, wrote me in regard to it. He said that, in his opinion, it could be made by small vessels sailing from the port of Acapulco; and that the reconnoitering of the coasts and ports of the bay of the Californias might be included in it, as well as the fisheries. In reply I ordered, on the twenty-seventh of September of five hundred and ninety-nine, that letters be

[1] Consult Blair and Robertson, *The Philippine Islands*, XV, XVI, for translation of Morga's *Sucesos*, giving an account of these affairs; also H. H. Bancroft, *History of the North Mexican States*, I, 147–163, for accounts of the expeditions of Vizcaino.

written to him in my name that I considered the demarcation and exploration of that coast and its ports very desirable, and that he should accordingly set about it immediately; but advising him not to undertake the exploration of the Californias except in passing. In pursuance thereof, I appointed Sebastian Vizcayno for that purpose as he was a man experienced in maritime matters, and careful and skilled in those of that route, and as he was one with whom I was thoroughly satisfied. Having given him for the voyage two vessels, a lancha and a barcoluengo, with the sailors and soldiers, ammunition and provisions, necessary for a year, and a cosmographer, skilful and versed in geometrical tables, in order that he might very minutely and accurately place and set down what should be discovered on a map and chart. After having received his orders and instructions, he set sail on the fifth of May, in the year 602, from the port of Acapulco to make the above mentioned exploration; as I was advised by the said Conde de Monterrei and Sebastian Vizcaino. These afterward wrote me by several letters (the most recent of which were dated on the last of April, 604) that Sebastian Vizcaino spent eleven months in that voyage; and that he began, from the same port, to delineate and sound the coast, ports, bays, and indentations up to the thirty-seventh degree, with all the precision and exactness needful and required; and that from the thirty-seventh degree to the forty-second he accomplished nothing beyond sighting the land. He had been unable to take so particular care there as he had done up to the thirty-seventh degree, because many of the crew fell sick, and the weather there was very contrary. He said that that whole coast, as far as the fortieth degree, extends northwest and southeast; that the other two degrees remaining in the forty-two degrees extend practically north and south; and that from the mouth of the Californias up to the thirty-seventh degree, he found three very excellent ports on the mainland — namely, San Diego in thirty-three degrees, and the second, of less excellence, near it. That of San Diego is very large and capable of holding many vessels; and it has water and wood. The third is better and more suitable for the Chinese vessels, and as a station for the ships of the line from those islands. It is called Monterrei, and lies in thirty-seven degrees. It has water and wood, better and in greater quantity than the other port. It is excellently sheltered from all winds, and abounds in pines along the coast, of whatever size one may wish, for use as

masts. That port is very suitable so that the vessels on returning from those Filipinas Islands may go there without there being any necessity of going to Japon by reason of storms, as vessels have done several times, losing thereby a very great amount of property. The vessels from China generally run along in sight of this place, for which purpose it is also very suitable. For, if that port be known, then vessels will not port until reaching it, when necessity would otherwise compel them to go to Japon and to those islands, since the work and trouble necessary to reach those places would take them to the said port. Besides, they report that the country is of a mild climate and very fertile (as is seen by its numerous trees), and very thickly inhabited with people of very mild and docile disposition, and whose reduction to the holy gospel and to my royal crown will be very easy. It maintains itself, and the food is of many different kinds of grain and of flesh of game, with which the country is exceedingly well supplied. The dress of the Indians of the coast is made of the skins of sea-wolves, which the Indians tan and dress very well. They have abundance of thread made from Castilian flax, hemp, and cotton. By these Indians and by many others whom the said Sebastian Vizcaino discovered along the coast in the more than eight hundred leguas of his voyage, he was everywhere informed that there were great settlements inland, and silver and gold. This is considered to be true, because veins of metals were discovered in some parts of the mountains of the mainland. If the seasons of the summer were known, one could enter the interior through this place and locate those metals, for it promises great wealth. Also the rest of the coast might be explored from that port, for it extends past the forty-second degree where the said Sebastian Vizcayno went, and which was named as his limit in his instructions. The coast extends even to Japon and the Chinese coast. He said that he could not enter the mouth of the [gulf of the] Californias, on his return and while passing, as I had sent him orders, because many of his crew had fallen ill and were dying rapidly, and because his provisions had suddenly become bad, which obliged him to hasten his return. After examination of this in my royal Council of the Indias, together with the surveys and relations that were sent with the description of each port, singly, of those discovered by the said Sebastian Vizcaino, and after having listened to the cosmographer Andres Garcia de Cespedes, they advised me; and after considering

the great importance, for the safety and security of the ships coming from those islands — a navigation of more than two thousand leguas of open water — of their having a port on the voyage, wherein to be repaired and to take in water, wood, and provisions, and that the said port of Monterrei, lying on the thirty-seventh degree, will be a half-way station, and that it has all the good qualities that may be desired, I have deemed it advisable that all the vessels from those islands, since they approach that coast, shall enter that port, and there be repaired and reprovisioned. In order to initiate this and establish it as a fixed and well-known practice, I have ordered Marques de Montesclaros, my present viceroy of the said provinces of Nueva España, by another decree of the date of this present, to have the said Sebastian Vizcaino, if now alive, sought with all care and diligence, since he has made the said exploration, and has coasted from Acapulco to Cape Mendocino; and, as soon as he shall have been found, to order him to go to those islands. Sebastian Vizcaino is to take with him his own chief pilot, or the chief pilot of the admiral; and in order that his voyage may have the effect intended, and be accomplished with all possible promptness, as is desirable, I have ordered the said marques to despatch the ships that are to sail to those islands in the coming year, 607. He shall despatch them in the usual manner, and as has been done hitherto, as you probably can not have any vessels constructed there of the two hundred tons capacity which is necessary for the trade, in accordance with the new decree that I had issued in this regard, because of the short time since it was given. The marques is to appoint the said Sebastian Vizcayno commander of the said fleet; and, as his admiral, the one whom he had in the discovery of the said port — if both are living. If either of them is dead, then he shall send as commander the one of them still living. As chief pilot, he shall send the said Sebastian Vizcayno's pilot or that of his admiral, so that, having the vessels in charge on the return voyage, they may ascertain in what manner the said port of Monterrey can be colonized and made permanent; and can show its bay, and the manner of making that navigation, to the pilots and crews of the said vessels, and especially to two men whom I order you to send with the said commander Sebastian Viscayno from those islands. These men are to be possessed of all the good qualities, knowledge, and experience necessary, so that they may reconnoiter the said port, and may be given com-

mands as commander and admiral of the vessels that are to sail from Acapulco to those islands in the year 608, since the said Sebastian Viscayno has to go to colonize the said port. It is my will that these two men and the said Sebastian Viscayno and his admiral — and I shall consider myself as served if you favor and honor them in every way possible — have and be paid the usual salary that the other commanders and admirals of the said line have had; and that it be paid to the former in the same manner as it is paid to the latter. In order that all the above commands may have the end and effect intended, as is necessary, I strictly charge you that you assist on your part, in whatever pertains to you, with care and diligence that I expect from your prudence and zeal; and you shall advise me of what is done, so that I may have full information thereof. Given in San Lorenzo el Real, August 19, 1606.

I THE KING

Countersigned by Juan de Sivicay; signed by the Members of the Council.

B. DECREES REGARDING WAY STATIONS FOR PHILIPPINE VESSELS[1]

[September 27, 1608, and May 3, 1609. Blair and Robertson, *The Philippine Islands, 1493–1898*, XIV, 270–277.]

The two following decrees provided for a change in the policy concerning way stations for vessels plying between Acapulco and Manila. The way station at Monterey was to be abandoned and a new one built on Rica de Oro and Rica de Plata, two mythical islands. The second decree prescribed the manner in which and by whom the islands were to be explored and settled.

The King: To Don Luís de Velasco,[2] my viceroy, governor, and captain-general of the provinces of Nueva España. Your predecessor in the government of those provinces, the Marques de Montes

[1] Reprinted by permission of the publishers, The Arthur H. Clark Company of Cleveland, from *The Philippine Islands, 1493–1898*. Cleveland, 1903 to 1909.

[2] Don Luís de Velasco was twice viceroy of New Spain — from 1590 to 1595 and from 1607 to 1611. He returned to Spain in 1611 to become the president of the Council of the Indies. He introduced many reforms in New Spain and treated the Indians there well.

Claros,[1] informed me by a letter of May 24 of last year that he had received my decree of August 19, one thousand six hundred and six, in which were contained the directions to be followed by him in the opening to navigation and the settlement of the new port of Monte Rey, discovered by Sevastian Vizcayno on the voyage from Nueva España to the Philipinas Islands. He stated that the decree could not be carried out in any respect, since it reached his hands when the trading fleet for those islands had already set sail, and since Sevastian Vizcayno — whom I had commanded to undertake that voyage and found the colony, as being the discoverer of the said port — had departed for that kingdom in the fleet of that year. He stated that with a view, above all, to reaching a decision in regard to what must be done for the prosecution of this business, it seemed to him well to inform me of what he had heard, and of what had been brought before him with reference to the matter. He took for granted that it was of great importance to discover a port where the ships returning from the Filipinas might stop to refit; for on so long a voyage the greatest part of the danger is due to the lack of a place where the injuries received in the voyage may be repaired. If no more suitable place should be found, he said, it would be advisable to make use of the port of Monte Rrey, of which he had been notified; but, to understand better the importance of this port, it would be well to notice that according to the survey made by the said Sevastian Vizcayno it seems to be in latitude thirty-seven, on the coast known as the coast of Nueva España, which runs from Cape Mendocino to Acapulco. Now while it is true that most of the ships on his voyage sight land within one or two degrees of that place, still, it must be understood that they always regard themselves as being at the end of their voyage and out of danger on the day when they reach there. This is so true that there have been ships which, when they were at the mouth of the harbor of Monte Rey, decided, as soon as they recognized it, not to enter it, but kept on their voyage with all sails spread. They felt that as soon as they sighted land anywhere they could go on, and, with favorable weather, reach the harbor of Acapulco in twenty-five or thirty days. The accidents

[1] Don Juan Manuel Hurtado de Mendoza y Luna, Marques de Montes Claros, became viceroy of New Spain in 1603. He held that office until 1607, when he was made viceroy of Peru. He died in 1628.

and injuries caused by hurricanes — which are the things that place ships in jeopardy, and which oblige them to return to their port of departure, with so much loss — ordinarily occur from the time when they pass the cape of Spiritu Santo on the island of Manila, all along the chain of the Ladrones until they pass the end of Japon at the point called the Cape of Sestos and reach latitude thirty-two or thirty-three; consequently, the ship which receives such injuries always does so before entering the great gulf of Nueva España, and can find no place of refuge without returning to Japon or to the Philipinas. If its condition should permit it to sight the coast of Cape Mendocino after fifty days (the usual length of time), its troubles would be practically over. On this account, and since the harbor of Monte Rrey is so situated that when the ships from the Philipinas reach it they feel that their voyage to the harbor of Acapulco within twenty-five or thirty days is certain, as has been said, and since it has never been known to occur that a ship after sighting land has been obliged to put back, therefore the Marques declares that, as the object is to provide ships with a harbor where they may land, or at least touch and refit, the harbor should be provided, or at least be sought, where it may be of use before the vessels enter the great gulf of Nueva España. This he urges the more because there are two islands in latitude thirty-four or thirty-five, named Rrica de Oro and Rrica de Plata,[1] to the west of the harbor of Monte Rey and in almost the same latitude though very distant in longitude. Those who have undertaken that voyage and have made it declare that both these islands are very well suited to be places of refitting for the ships from the Philipinas, and that it would be advantageous to find them again and colonize one of them for this purpose. Regarding this as certain, the Marques thinks that the exploration and colonizing in question should be mainly at these islands, being committed to some person of competence, care, and fidelity. For this he judges that the said Sevastian Vizcayno would be suitable, because he would know, as well as anyone could, the way to the harbor of Monte Rrey, being already acquainted with it. If the commission were entrusted to him, it would be well for him to go from Acapulco as commander of the ships for the Philipinas, returning from Manila with two small and lightly-

[1] That is, "rich in gold," and "rich in silver." These were mythical islands often mentioned in documents of that time.

laden ships for no other purpose than the discovery; for if he were to return as commander [of the trading fleet] the merchandise and stuffs of the inhabitants of Manila would run great risk of being detained on the voyage, and of suffering some loss, and the owners would have a right to recover damages from my royal treasury. Then after the new harbor which is affirmed to exist shall have been discovered, Sevastian Vizcayno may go as commander in the year following, and may make a beginning of refitting a station there with the trading ships, so that the navigation may be opened. After this report had been brought before my Council of the Yndias and my Council of War for those lands, and had been discussed there, both sides having been considered by me, the suggestions of the said Marques of Montes Claros were approved by me. Therefore I command you that since he declares that the two islands, Rica de Oro and Rica de Plata, in latitude thirty-four or thirty-five, will be much more suitable than the harbor of Monte Rey as a port in which the ships of the Filipinas trade may refit, you shall suspend for the present the opening to navigation and the settlement of the harbor of Monte Rey. I command you that, in conformity with the opinion of the said Marques of Montes Claros, you shall give the charge of the expedition to Sevastian Vizcayno; and shall cause to be undertaken the discovery, settlement, and opening to navigation of a harbor in one of the said islands, Rica de Oro and Rica de Plata, as shall seem best and most suitable for the purpose intended. For the present I intrust to you the choice of all that concerns the matter. On account of my trust in your prudence and caution, and my confidence that you will not permit any excessive expense, I license you to expend from my royal exchequer, for all the aforesaid and for the arrangement of all other requisites, all the money needed, drawing the same from my royal treasury of the City of Mexico. I sanction and command the granting by you to the colonists of the same privileges that were granted in my decree of August 19, one thousand six hundred and six, to those who should go to colonize the port of Monte Rey. In case it seems to them that the latter port is entirely preferable to either of the two islands referred to, you will execute the decree previously issued with reference to the said colonization and opening to navigation of the said port of Monte Rey; and by this my decree I command my accountants for my Council of the Yndias to record this command.

Dated at [*word partly illegible*; Aranjuez?] September 27, one thousand six hundred and eight.

I THE KING

Certified to by JUAN DE CIVICA and signed by the members of the Council of War of the Yndias.

The King: To Don Luis de Velasco, my viceroy, governor and captain-general of the provinces of Nueva España, or to the person or persons in whose charge the government may be. Having understood that as a way-station for the vessels in the Philippine trade, one of these islands, Rrica de Oro and Rrica de Plata, would be more suitable than the port of Monte Rey — which had been explored, and for the opening and colonization of which orders had been issued — because the former are in a better situation: by a decree of the twenty-seventh of September of the past year, I commanded you to suspend for the time being the opening and settlement of the said port of Monte Rey, and to undertake the exploration, settlement, and opening of one of those two islands, Rrica de Oro and Rrica de Plata, as it appeared better and more suitable for the object desired; and you were to spend from my royal exchequer whatever money was necessary for this, and settle other matters, as should be expedient. You were to concede to the settlers the same privileges as were accorded to those who were to go to settle the port of Monte Rey; and in case it still appeared to you that the latter was better fitted than either of the two islands, you were to execute what I had ordered you to do in connection with its settlement and opening, as is explained more at length in my said decree, to which I refer you. But now Hernando de los Rios Coronel, procurator-general of the said islands, has represented to me that in any case it is best that the said exploration should be made from the Filipinas, and not from Nueva España — both to avoid the great expense which would fall on the royal exchequer, if the ships for this expedition were built there, as all marine supplies are very dear in your country, and difficult to procure; and also because it would be necessary to make that voyage at hazard, mainly, and there would be great danger of not finding the islands and of losing the results of the voyage and the expenses incurred. For they are in a high latitude, and far distant from your country of Nueva España;

and, besides, as all those who should go on this expedition would necessarily take a large amount of money to invest in the Philipinas (for, as the ships are to go back empty, they would take the opportunity to lade them with merchandise), they might, in order not to lose their goods by going on the exploration, draw up an information on the ship (as has been done at other times), saying that on account of storms, or for some other reason, they were unable to make the islands. But if the said discovery were made from the Philipinas, all these difficulties would be avoided; for it is evident that the cost and danger would be much less, as the two islands to be discovered are so near at hand that they can almost go and take them with their merchant ships. All the rest may be arranged merely by ordering that, having made the discovery, they shall come back to the Philipinas without going to Nueva España; for in this way there will be no reason for them to lade their vessels with merchandise. Furthermore, there are in the Philipinas trustworthy persons for this affair, to whom it may be entrusted; and the sailors there are more competent, since they have more experience. Having again considered this in our Council for the Yndias, it has seemed best to command you, and you are so commanded and ordered, that if you have not begun to carry out the preparations for this exploration, as I have ordered you to do, and if you have not so advanced them as to make it inconvenient or very expensive to abandon it, you shall examine and consider with especial attention whether, for the suitable execution and less cost of the exploration, it would be expedient to place it in the hands of my governor and captain-general of the said Philipinas Islands, so that he may proceed to undertake it from those islands. And if it appear to you that this plan is expedient, you shall send at the first opportunity to my said governor the letter which will accompany this, for him, in which he is so ordered; and at the same time you will remit to him the money that in your opinion may be necessary, which is not to exceed the twenty thousand ducats, which I had granted for the settlement of the port of Monte Rey. Dated at San Lorenzo el Real, on the third of May of the year one thousand six hundred and nine.

I THE KING

Countersigned by Juan de Civiça; signed by the members of the Council.

50. Summary of Grau y Monfalcón's Memorial to the King[1]

[Madrid, 1637. Blair and Robertson, *The Philippine Islands*, XXVII, 207–212.]

Don Juan Grau y Monfalcón was the *procurador general* of the city of Manila and for the Philippine Islands as a group. In this capacity he resided at the Spanish capital. He prepared a lengthy document called the *Memorial informatorio al Rey*,[2] which was published in Madrid in 1637. The question at issue — namely, the effect on the trade of the Philippines of the many restrictions on that commerce — was dealt with in great detail. The memorial closed with the following brief summary:

Therefore they once more represent to your Majesty what is contained in greater detail in this memorial. The charges made against their commerce, inasmuch as these were based on malicious reports and in less knowledge than was required by the matter, have disturbed, changed, and altered it, so that it is in danger of being lost or suspended (which amounts to the same thing), and with it all the Filipinas, whose importance is so well known. That can be understood from the strong arguments advanced for the abandoning them when they were less necessary than now, when the fact of that importance has been established by so decisive a resolution. To this can serve as new motives the extraordinary manner of their discovery; the greatness of their territory, and therein the notable and especial greatness of the city of Manila — which, as the mistress of so many seas, and capital of so many archipelagos, is the second pole of this monarchy; and the estimation in which their qualities are held, both for the nature of their lands and from what has been acquired from their commerces, which, if they are small as regards their own products, [in their beginnings — *MS.*] are most opulent as regards those of foreign lands.

[1] Reprinted by permission of the publishers, The Arthur H. Clark Company of Cleveland, from *The Philippine Islands, 1493–1898*. Cleveland, 1903 to 1909.

[2] Consult Blair and Robertson, *The Philippine Islands*, XXVII, 23–212, for a translation of the whole of this document. It should be studied in connection with the memorial which Grau y Monfalcón presented to Palafox y Mendoza, given in XXX, 25–109, of the same general work.

That is facilitated by their remarkable situation, which, as it is the center of so many islands and powerful kingdoms, is, if not in advance of all of them, superior to many, as it is the key of the ancient and ever rich commerce of the Orient. That commerce, after so many changes, came into the possession of Portugal, and through the Filipinas was communicated to Castilla. It has been usurped in part by the enemies of this crown (who now go to search for it, and carry it on in various ports of its origin), against whom India and the islands are defending and maintaining it. The islands especially protect the commerce of China and that in cloves, as they are now lords of the islands of Maluco — which they recovered after they had been lost, and which they preserve, although infested [by enemies], at the cost of the blood and the possessions of their inhabitants. They are exposed always to the raids of powerful opponents, who in order not to lose what they have had the good fortune to acquire, the Oriental trade and that of Maluco (which is of the greatest value), spend the most of what they gain in forts, presidios, and fleets, that they may resist the Filipinas. If the islands are important for that reason, not less important are they for the effects that result from their preservation. These effects are the promulgation of the Catholic faith, and the extension of the gospel preaching through so extensive regions, and so remote kingdoms of pagans and Moors — which in spite of the northern heresy, has been received by some, while others are ready to receive it; the assurance of safety for India, which has doubled its strength because of the nearness of the islands, which on all occasions reënforce it; the prevention and hindrance of the enemies from the trade in which they most wish to be absolute masters, and which they would obtain were it not for that valiant resistance, and that fortified camp; the relief of the Western Indias from their raids, which because of this diversion have rest; and finally, the maintenance of the reputation of this crown, in the most remote part of its domain. And since, in order to obtain these and other effects, it is sufficient that the Filipinas be maintained in the force and renown that they have at present, for that only two methods are to be found, which consist either in spending from the royal treasury the amount necessary for them, or in giving them a commerce such that all the cost of the islands may be derived from it. Each method is impossible alone, for the expense of the islands is considerable, and the amount that they contribute is

not sufficient, as those of Maluco are dependent on them, while the royal treasury is exhausted. The commerce ought not to be opened so widely that its duties supply all [the cost of the islands], because of the injury that this would cause to the commerce of España, which is more important. The only remedy comes to be (and it is that admitted by experience) the union of both these means, each sharing a portion of the expense. With this the royal treasury will be relieved, the commerce permitted, and the islands maintained. In order to provide a guarantee for this obligation, it is advisable to favor the inhabitants of the islands, who have attended and are attending to their defense (as that is the chief part of their preservation) with so abundant aid and so liberal expense. For this, taking a middle course between the damages and the advantages, the restricted commerce with Nueva España, without which they cannot live, is permitted to them. And although results from that concession the withdrawal of a quantity of silver (which if it came to these kingdoms could enrich them more), and its passage to the foreigners, besides the bringing of merchandise from which results a less consumption of the goods of these kingdoms: as this is not the only cause that weakens the trade of the Indias, but there are others very different from it, it is necessary, in order that that trade be not ruined, that this of Filipinas be preserved, but not more than in the quantity that is sufficient for its maintenance, and that is not harmful. Thus has the commerce been given its present form, conceding it alone to the inhabitants of the islands, restricted as to the amount of its merchandise and the silver for its returns, by imposing on both the latter and the former a fixed and determined quantity, as also on the ships which are to carry it. That is the condition least damaging to each part which, attentive to the state of so many kingdoms and the mutual relations of so many provinces, it has been possible to arrange. Although great illegalities have been ascribed to this permission, which are not lacking in any part of the world, and are found in all commerces, and are tolerated — either because it is impossible to correct them, or because it is not advisable to reduce them to the full rigor of the orders — those that are found in this commerce are not greater than those of others; for neither the silver nor the merchandise which is hidden can exceed the amount permitted so greatly as has been represented, as has been [herein] stated. If there is any violation, there are sufficient prece-

dents so that it ought to be tolerated, and the greatest reason [for so doing]; for it is impossible for that commerce to last in any other way, or to have capital with which to maintain it. [This is true], not only because of the duties that are paid, which are heavier than those of Sevilla; but because of the great amount that is lost in it by the risks, expenses, and hardships of its navigation, and by the special disasters that the islands and their inhabitants have suffered, and are liable to suffer — which are such and so many, that it is a wonder that they are not destroyed, ruined, and deserted by the onset of their disasters, losses, and diminutions, which it seems that the loyalty, the valor, and the constancy of their inhabitants have opposed. Besides that, their commerce is no longer what it was formerly; nor does it cause the damage that is noted; nor is it such that it can be done away with, without the downfall of the islands, the suffering of Nueva España, peril to Eastern India, the loss of its commerce, a greater infesting of the Western Indias, and the sorrow of these and those kingdoms[1] for the result of this cause, as it is common to them all, as is proved. Therefore the procurator of the islands, reducing all their affairs to this memorial, petitions your Majesty to grant them favor in the affairs and points which he will regard in a separate memorial.

DON JUAN GRAU Y MONFALCÓN

51. INFORMATORY DECREE IN REGARD TO OPENING THE COMMERCE BETWEEN THE KINGDOM OF PERU AND NUEVA ESPAÑA[2]

[Madrid, February 14, 1640. Blair and Robertson, *The Philippine Islands*, XXX, 97–101.]

The Memorial of Grau y Monfalcón had the effect of causing the king of Spain to issue a series of royal decrees addressed to Palafox. These incorporated many of the observations made by the citizens of the Philippine Islands and ordered Palafox to investigate the conditions in the islands and to report the findings to the government in Madrid.

[1] That is, Spain and the Indies.

[2] Reprinted by permission of the publishers, The Arthur H. Clark Company of Cleveland, from *The Philippine Islands, 1493–1898*. Cleveland, 1903 to 1909.

The King. To the reverend father in Christ, Don Juan de Palafox y Mendoza, bishop of the cathedral church of the city of Puebla de los Angeles, member of my royal Council of the Indies, to whom I have committed the visitation of my royal Audiencia of the City of Mexico in Nueva España and of its tribunals, and the visitation of the port of Acapulco.

Both Perù and Nueva España oppose the method followed in the commerce of the said Philipinas Islands, and complain of the above prohibitions, setting forth certain difficulties which result from closing to them the commerce which those two most opulent states have maintained (as it were, by nature) between themselves; the chief of these is their being entirely deprived of the mutual intercourse and relations which ought to prevail between them. On this account, another permission of two ships has been granted to them. One of these shall sail every year from the port of Callao de Lima, and may carry to that of Acapulco silver to the amount of 200,000 ducados, for investment in the products peculiar to Nueva España — whether of agriculture, stock-raising, or manufacture — and no others, even those sent from these kingdoms. The other ship shall return from Acapulco to Callao with these proceeds [of the investment], the prohibition of cloth from China remaining in force; and the decree declares that none of that cloth may be sent in return for the 200,000 ducados, nor outside of that amount, enforcing its execution by heavy penalties [imposed] by the decrees of December 31, 1604, and March 8 and June 20, 1620. By these decrees final shape was given to this permission which now is suspended; and it was ordered to cease by a decree of November 23, 1634, without the reason which had given cause for this act being known — further than the measures which had been proposed for ruining the islands, and this, that the ships of Perù might not sail to Acapulco, to the so great harm of the Philipinas Islands, as this alone would be enough to ruin them. For if ships do not go from Perù, the islands remain exposed to the failure of their aid, in the year when their ships do not make the voyage, by having been wrecked, or forced to put back to port, or having arrived late. As in such cases, it is usual to make good their deficiency with the ships from Perù, sending in them the usual succor of men and money, if the latter do not go, and the others do not come [to Acapulco], there will not be ships for that purpose, and the islands might remain for several years

without the succor that supports them, at the evident risk of being ruined. To this may be added, that there are, as will be stated, in Nueva España more than fourteen thousand persons who sustain themselves with the industry of silk-raising and silk manufacture, by express permission, and the order that this industry be preserved. It cannot be maintained with only the silk that is produced in that country, the total amount of which is very small, and it therefore employs the silk that comes from Manila, as being suitable for delicate fabrics. The silk fabrics of Nueva España have always been exported to Perù, as commodities included in the trade permitted to those countries, which was mainly composed of these stuffs; while the fabrics of China remained for meeting the expenses of the country, which regularly consumed all that came thence. Since the exportation of what formerly went to Perù has ceased, the necessary result is that these goods remain and are consumed in Nueva España, as being its own product, and that just so much less of the Chinese silk is required — which is substituted in place of the home product when the former goods are imported through the permission — and necessarily less of the other is produced. Besides taking away their occupation from the people who are engaged in the silk industry, this will cause an evident diminution in the commerce of Philipinas, the bulk of which consists in silks; for just so much less of what the islands export is consumed [in Nueva España] as cannot be sold out of what is produced there — which will be an amount so noticeable that with this reduction alone that commerce will become excessively weakened. This has been already proved in regard to the last ships which came from those islands — for, as they failed to come the previous year, they found no market for their goods, and could not sell enough of these even to pay the freight charges and the duties, according to letters from Nueva España and authentic documents; it is, therefore, very expedient that the permission given to Perù should be revived, else, by not conceding it, a great reduction is feared in that of Philipinas. If, when that permission was granted, the matter was discussed with adequate information, and the advantages which there might be on either side were considered, and now if no new reasons or circumstances arise which compel the decision to be suspended beyond the fact that Francisco de Victoria contrived such expedients, without heeding other objects, so that it seems as if he cared only for the abandonment

and ruin of the islands, no opportunity should be given for that suspension. Even if the memorials which [Don Juan Grau] has furnished on the other topics prove to be sufficiently answered, and their arguments are shown to be weak or false, it must not be understood that there are better ones for what concerns the permission given to Perù; but no answer is made here, save in what pertains to the Philipinas, for the rest concerns Nueva España and Perù, who will give fuller explanations. And, considering the evident injury and risk to which the islands are exposed by the lack of freight ships that can sail thither, since in case the ships belonging to the commerce are wrecked, or forced to take refuge in other ports, or arrive late, the islands will perish if there are no other ships in which to send the usual succor of men and money: and since freight vessels are not built, which is necessary in all the coasts of Nueva España, this deficiency must be supplied some years by the ships from Perù that go to Acapulco — which do not sail now, on account of the permission which was given for that purpose being suspended — from which also result to the islands the losses which have been set forth in the said memorial, which are stated anew in this petition, because it is so expedient that the traffic between Nueva España and Perù be restored: [Don Juan Grau] has petitioned me to consent to raise the suspension, or prohibition, which is laid or imposed on the said permission of Perù and Nueva España, even though, for its fulfilment and better observance, the penalties be increased so far as is expedient. This matter having been considered in my royal Council of the Indias, as I desire to ascertain the advantages or disadvantages which may result from the aforesaid measure, whether to my greater service, to the increase or diminution of my royal dues, to the preservation of my vassals of the said Philipinas Islands, or to their relief or injury: I request and charge you to inform me very thoroughly of all that you shall ascertain and understand to be most expedient, in order that when I have considered all the reliable information in your report, I may take such measures as may be most fitting. Done at Madrid, February 14, in the year 1640.

I THE KING

By command of the king our sovereign:

DON GABRIÈL DE OCAÑA Y ALARCÒN

52. Laws regarding Navigation and Commerce[1]

[1583–1609. Blair and Robertson, *The Philippine Islands*, XVII, 27–50.]

These laws are from the *Recopilación de Leyes de los Reynos de las Indias*, lib. ix, tit. xxxv, "concerning the navigation and commerce of the Philipinas Islands, China, Nueva España, and Perù."

"In connection with the Council of the Indies and the Casa de Contratación," explained Hackett, "is to be noted the great code by which Spain regulated her colonial affairs and which was in process of evolution until 1680. This code, which was one of the most remarkable ever devised by any nation, was called the *Recopilación de Leyes de los Reynos de las Indias*. It was a heterogeneous mass of laws, pragmatics, ordinances, provisions, cédulas, resolutions, which attempted to regulate the procedure, duties, and guarantees of the various governing agencies and the peoples governed. The task of codifying the laws really began in 1560 when Philip II. ordered that the various regulations then in force in the audiencia district of New Spain should be printed. Later the same was ordered done in the viceroyalty of Peru. In 1570 a general compilation of laws and provisions for the Indies as a whole was begun from which obsolete laws were omitted. From time to time additions and omissions were made to this compilation and in 1680 the work of codification was completed. The result was printed at Madrid in 1681 as the *Recopilación de Leyes de los Reynos de las Indias mandadas imprimir y publicar por la Magestad Católica del Rey Don Carlos II. Nuestro Señor*, and contained only the laws in force at that time. Since then the work has passed through four other editions the last of which, published in 1841, contains reforms down to 1820 in its index. For the laws passed from 1680 until the latter part of the eighteenth century there is no complete statement or compilation."[2]

[1] Reprinted by permission of the publishers, The Arthur H. Clark Company of Cleveland, from *The Philippine Islands, 1493–1898*. Cleveland, 1903 to 1909.

[2] Hackett, *Historical Documents relating to New Mexico, Nueva Vizcaya, and Approaches Thereto, to 1773*, I, 20–21.

Only a few of the laws are given below. They are taken from the fifth edition, published in Madrid in 1841. While the laws given here deal particularly with the Philippine Islands, they are also of value for the Indies at large.

LAW XXXV[1]

It having been committed to, and charged upon, the governor and captain-general of the Filipinas that he should endeavor to introduce, in the exchange and barter for the merchandise of China, trade in other products of those islands, in order to avoid, when possible, the withdrawal of the great sums of reals which are taken to foreign kingdoms, the governor executed it in the form and manner that he considered most fitting; and a method called *pancada* was introduced, which has been observed and executed until now. It is our will that that method be observed and kept, without any change, until we order otherwise. [Felipe II — Añover, August 9, 1589; Toledo, January 25, 1596.]

LAW LXVI[2]

We order that a duty be collected on the first and subsequent sales of all the merchandise shipped from Filipinas to Acapulco, and the pesos per tonelada on freight according to custom; for this sum and much more is needed to pay the troops, and equip the vessels that engage in commerce. In this there shall be no innovation. [Felipe II — Añover, August 9, 1589.]

LAW V[3]

We ordain and order that there shall be no permission to trade or traffic between Perú, Tierra-Firme, Guatemala, or any other parts of the Indias, and China or the Filipinas Islands, even though it be by license of the viceroys, audiencias, governors, or magistrates, under penalty of confiscation of the merchandise that shall be shipped. The masters and pilots shall also incur the confiscation of all their property and ten years in the galleys. [Felipe II — San Lorenzo, December 18, and February 6, 1591.]

[1] Blair and Robertson, *The Philippine Islands*, XVII, 28.
[2] *Ibid.*, 28–29.
[3] *Ibid.*, 29.

LAW VI [1]

It is our will that the trade and commerce of the Filipinas Islands with Nueva España be carried on for the present as ordained. Under no consideration shall the amount of merchandise shipped annually from those islands to Nueva España exceed two hundred and fifty thousand eight-real pieces, nor the return of principal and profits in money, the five hundred thousand pesos which are permitted — under no pretext, cause, or argument that can be advanced, which is not expressed by a law of this titulo; and the traders shall necessarily be citizens of the Filipinas, as is also ordained. [Felipe II — Madrid, January 11, 1593. Felipe III — December 31, 1604; Madrid, May 4, 1619; Lisboa, September 14, 1619.]

LAW LXIV [2]

It is advisable for our service to have constant reports on what passes in the trade and commerce between the Filipinas and Nueva España, in order to ascertain and discover whether it continues to increase, and what kinds of merchandise are traded, their prices, and in what money or material. Accordingly we order the viceroys of Nueva España to send to our royal Council of the Indias in each trading fleet, a copy of the registers that the ships brought from those islands, and also of those of the ships sent thither; and all shall be made with great distinctness and clearness. [Felipe II — Madrid, January 17, 1593; and Toledo, June 9, 1596.]

LAW LXVIII [3]

We declare and order that the Chinese merchandise and articles which have been and shall be shipped from Filipinas to Nueva España, can and shall be consumed there only, or shipped to these kingdoms after paying the duties. They cannot be taken to Perú, Tierra-Firme, or any other part of the Indias, under penalty of confiscation of all those found and apprehended in the possession of any person whatever, and shall be applied to our exchequer, the judge, and the denouncer. [Felipe II — Madrid, January 11, 1593; Felipe IV — Madrid, February 10, 1635.]

[1] Blair and Robertson, *The Philippine Islands*, XVII, 30–31.
[2] *Ibid.*, 32.
[3] *Ibid.*, 33–34.

LAW I [1]

Inasmuch as it is advisable to avoid trade between the West Indias and China, and regulate that of Filipinas, as it has increased considerably, thus causing the decrease of that of these kingdoms: therefore, we prohibit, forbid, and order, that no person of the natives or residents of Nueva España, or any other part of the Indias trade or be allowed to trade in the Filipinas Islands. Should anyone do so, he shall lose the merchandise with which he shall trade, and it shall be applied, one-third each, to our royal exchequer, the denouncer, and the judge who shall sentence him. In order to show favor to the citizens and inhabitants [of Filipinas] and that that trade may be preserved to sufficient extent, we consider it best that they alone may trade with Nueva España, in the manner ordained by the other laws, with this provision, that they convey their goods, or send them with persons who shall come from the said islands. They cannot send them by way of commission or in any other form to those who actually reside in Nueva España, in order to avoid the frauds of consigning them to other persons — unless it be because of the death of those who should come with the goods from the said islands; for in such case it can be done. And we also order that the inhabitants of Filipinas cannot consign their merchandise to generals, commanders, captains, officials, soldiers, or sailors of the vessels of that commerce, or of any other vessels, even though these be inhabitants of the said islands as well as the persons above mentioned. [Felipe II — Madrid, January 11, 1593. Felipe IV — Madrid, February 10, 1635.]

LAW XXXIV [2]

We order and command that no person trade or traffic in the kingdoms or in any part of China, and that no goods be shipped from that kingdom to the Filipinas Islands on the account of the merchants of those islands. The Chinese themselves shall convey their goods at their own account and risk, and sell them there by wholesale. The governor and captain-general with the council of the city of Manila shall annually appoint two or three persons, whom they shall deem best fitted, to appraise the value and worth of the merchandise, and

[1] Blair and Robertson, *The Philippine Islands*, XVII, 29–30.
[2] *Ibid.*, 32.

shall take the goods at wholesale from the Chinese, to whom they shall pay the price. Then they shall distribute it among all the citizens and natives of those islands, in accordance with their capital, so that they may all share in the interest and profit that arises from this traffic and trade. The persons thus appointed shall keep a book, in which they shall enter the amount of money invested each time, the price at which each class of merchandise is valued, among what persons the merchandise is divided, and the amount that falls to the share of each. The governor shall take particular pains to ascertain and discover how the said deputies make use of their commission. He shall not allow them to be rechosen the following year. He shall send annually a report, signed by them, of all the aforesaid to our council, and another to the viceroy of Nueva España. [Felipe II — Madrid, January 11, 1593.]

LAW XV[1]

From Nueva España to Filipinas only two vessels can sail annually, up to three hundred toneladas' burden. In them shall be carried the reënforcements of men and supplies, and they shall bear a permit. For this purpose there shall be three ships, one of which shall remain in readiness at the port of Acapulco, while the other two make the voyage. For the security of the voyage, those who go on account of our royal treasury shall endeavor to see that the cost be drawn from the freights. From Nueva España not more than two hundred and fifty thousand pesos de tipusque shall be taken in the vessels during any one year. Whatever above that amount is taken shall be confiscated and applied in three equal parts to the exchequer, the judge, and the denouncer. We order the governor of Filipinas to inspect the ships when they reach port, and execute the penalty. [Felipe II — Madrid, January 11, 1593. Felipe III — Valladolid, December 31, 1604.]

LAW XLIV[2]

The apportionment of the permitted amount of two hundred and fifty thousand pesos, conceded to the inhabitants of the Filipinas Islands, must be made among them, and the whole amount must be registered. Endeavor shall be made to have less than one third part

[1] Blair and Robertson, *The Philippine Islands*, XVII, 31–32. [2] *Ibid.*, 33.

return in gold; and the governor shall prevent and take precautions against any fraud or deceit, and shall take what measures he deems expedient. This also we charge upon the viceroy of Nueva España in whatever pertains to him. [Felipe II — Madrid January 11, 1593.]

LAW LXXI [1]

We order and command, that under no consideration in any manner can any ship go from the provinces of Perú, Tierra-Firme, Guatemala, Nueva España, or any other part of our Western Indias, to China to trade or traffic, or for any other purpose; nor can any ship go to the Filipinas Islands, except from Nueva España, in accordance with the laws of this título: under penalty of the confiscation of the ship; and its value, money, merchandise, and other things of its cargo shall be sent to these kingdoms in accordance with law 67 [2] of this título, and thus it shall be executed. We prohibit and forbid any merchandise being taken from Nueva España to the provinces of Perú and Tierra-Firme, that shall have been taken there from Filipinas, even if the duties should be paid according to the rules and ordinances; for it is our purpose and will that no goods shipped from China and the Filipinas Islands be consumed in the said provinces of Perú and Tierra-Firme. Whatever shall be found in the possession of any person, we order to be confiscated, applied, and regulated, as contained in this law. [Felipe II — Madrid, January 11, 1593, and July 5, 1595. Felipe III — Valladolid, December 31, 1604.]

LAW XXVIII [3]

The viceroys, presidents, and auditors, and all other officers of justice shall make efforts to find all those who shall have been sent to Filipinas to reside during the time of their obligation, who have remained in Nueva España and other parts of their jurisdiction, and shall force them with all rigor to go to reside in those islands, proceeding against their persons and properties and executing the penalties that they shall have incurred. The fiscals of our Audiencia in Manila shall plead what is advisable in regard to the aforesaid. [Felipe II — Madrid, February 20, 1596.]

[1] Blair and Robertson, *The Philippine Islands*, XVII, 34.
[2] Refers to sending contraband Chinese goods to the House of Trade in Sevilla.
[3] Blair and Robertson, *The Philippine Islands*, XVII, 35.

LAW LIV[1]

We order that the governors of Filipinas shall not allow slaves to be sent to Nueva España as a business transaction or for any other reason — except that, when the governor goes there, his successor may give him permission to take as many as six slaves with him; to each of the auditors who shall make the voyage, four; and to other respected persons, merchants with capital, and officials of our royal treasury who go and do not return, two. We order the viceroy, alcalde-mayor and officials of Acapulco, to see to the fulfilment and execution of this law, and to confiscate the slaves in excess of this number. [Felipe II — Madrid, April 10, 1597.]

LAW XL[2]

We order that there be but one commander and one lieutenant (who shall be admiral) for the two ships from Filipinas to Nueva España; that each ship shall take no more than one military captain, besides the ship master and as many as fifty effective and useful soldiers in each ship with pay, and the sailors necessary to make the voyage properly each way — who shall be efficient and examined — and one pilot and assistant to each ship; for both ships one purser [*veedor*] and accountant. All appointments to the said posts shall be made by the governor and captain-general alone, without the intervention of the archbishop, or of any other person, notwithstanding what shall have been provided to the contrary. We order that choice be made from among the most respected and influential inhabitants of those islands, and of those most suitable for the said offices and the duties that the appointees must exercise. If they shall not be such, the matter shall be made an article in the governor's residencia. [Felipe III — Barcelona, June 15, 1599; Valladolid, December 31, 1604; San Lorenzo, April 22, 1608; Madrid, May 23, 1620.]

LAW XXXIX[3]

Since there are skilled and examined pilots for the Filipinas line, those who are not such shall not be admitted in our ships and other craft. [Felipe III — Valencia, December 31. 1603.]

[1] Blair and Robertson, *The Philippine Islands*, XVII, 35–36.
[2] *Ibid.*, 36. [3] *Ibid.*, 37.

LAW LXXVI[1]

We charge and order the viceroys of Perú to see that all the ordinances in regard to the prohibition of Chinese stuffs be fulfilled and executed exactly. For their execution and fulfilment, they shall appoint an auditor of our royal Audiencia of Los Reyes, in whom they can place entire confidence. They shall see that he proceeds thoroughly and executes the penalties with the required rigor, without any dispensation. The auditor shall privately try these cases in the said city and its districts in so far as he shall have cause to invoke the law; and all other justices in their territories shall do the same. [Felipe III — Valladolid, December 31, 1604.]

LAW XXIX[2]

Inasmuch as the majority of those going annually from Nueva España to Filipinas do not stop there, but return immediately, after investing their money: therefore, we order the viceroy of Nueva España to permit no one to go to Filipinas, unless he give bonds that he will become a citizen and live there for more than eight years, or unless he be sent as a soldier to the governor. On those who violate this, and their bondsmen, shall be executed the penalties that they incur, without pardon. [Felipe III — Valladolid, December 31, 1604.]

LAW LXIX[3]

In the vessels that we shall permit to sail from Perú to Nueva España and the port of Acapulco or from Nueva España to Perú and its ports, no quantity of Chinese stuffs can be laden, sold, bought, or exchanged, even though it may be reported to be gratuitously as a gift or charity, or for the service of divine worship, or in any other quality or form, in order that the prohibition may not be evaded by such pretexts and frauds. In case that any shall be convicted of the above as chief factors, associates, or participants, or of aiding or giving advice, they shall, besides the confiscation of their goods and boat, incur on their persons the civil and criminal penalties imposed on those who handle contraband goods, and of perpetual banishment, and deprivation of the post that they shall have obtained from us in the Indias.

[1] Blair and Robertson, *The Philippine Islands*, XVII, 43–44.
[2] *Ibid.*, 39.
[3] *Ibid.*, 41–42.

In regard to the above we charge the conscience and care of our servants. [Felipe III — Valladolid, December 31, 1604 (?); San Lorenzo, April 22, 1608 (?); clauses 16 and 17.]

LAW LXX [1]

If any quantity whatever of Chinese stuffs be found in any boat sailing from Nueva España to Perú or in the opposite direction, the inspector, royal officials, and the other persons who take part in the register and inspection shall be considered as perpetrators and offenders in this crime; so that, taking example from them, others may abstain from similar transgressions. The captains, masters, boatswains, and other officers whose duties extend to the management of vessels, shall also be considered as offenders and accomplices. [Felipe III — Valladolid, December 31, 1604 (?); San Lorenzo, April 22, 1608 (?); clause 18.]

LAW LXXVIII [2]

Permission was given for two ships to go to Nueva España annually from Perú for commerce and trade to the value of two hundred thousand ducados; which was afterward reduced to one ship, with certain conditions. And inasmuch as the trade in Chinese stuffs has increased to excessive proportions in Perú, notwithstanding so many prohibitions expedient to our royal service, the welfare and utility of the public cause, and the commerce of these and those kingdoms [3]; and a final decision of the viceroy, Conde de Chinchon, having preceded, and a vote of the treasury to suppress absolutely any opportunity for this trade: therefore we order and command the viceroys of Perú and Nueva España to prohibit and suppress, without fail, this commerce and trade between both kingdoms, by all the ways and means possible; and that it be not carried on by any other regions, for we by this present prohibit it. This prohibition shall be kept strictly and shall continue to be so kept. [Felipe III — Valladolid, December 31, 1604; San Lorenzo, June 20, 1609; Madrid, March 28, 1620, clause 1. Felipe IV — Madrid, November 25, 1634; Madrid, March 29, 1636, a clause of a letter to the Conde de Chinchon.]

[1] Blair and Robertson, *The Philippine Islands*, XVII, 42.
[2] *Ibid.*, 44–45.
[3] That is, Spain and the Indies.

LAW XLII [1]

We order and command that the generals, captains, agents, and officials of the Filipinas ships give bonds, to what sum the governor and captain-general shall deem best, for the greater security of what shall be in their charge. They shall give their residencia of each voyage before the auditors of our royal Audiencia of Manila and shall render satisfaction in the aforesaid. [Felipe III — Valladolid, December 31, 1604; Madrid, May 23, 1620. Cárlos II (in this *Recopilación*) — 1681, the date of first edition of *Recopilación de leyes*.]

LAW LXXIV [2]

We order the viceroys of Nueva España to maintain very special care of the observance and execution of the ordinances for the commerce of the Filipinas line, established by the laws of this titulo; and to keep at the port of Acapulco, in addition to the royal officials who shall be there, a person of great honesty and trustworthiness, with the title of alcalde-mayor, so that everything be done with very great caution, and justice be observed. He shall not permit more silver to be taken to Filipinas than that conceded by these laws, with or without license. [Felipe III — Valladolid, December 31, 1604.]

LAW LX [3]

The registers of all shipments from Filipinas shall be opened in the port of Acapulco, by the person to whom the viceroy of Nueva España entrusts it, and the officials of our royal treasury of the said port. They together shall examine and investigate the bales and boxes, and shall make as close and careful an examination as shall be necessary to discover what may have come outside of the register and permission. They shall send the registers to Méjico, as has been the custom, with all investigations made at the port of Acapulco, by a sufficiently trustworthy person, or by one of our said officials. In Méjico everything shall be again investigated, and the duties appertaining to us shall be appraised and collected; and all other investigations requisite to ascertain and discover what has come unregistered shall be made. All that shall have been sent without register and in violation of the prohibition

[1] Blair and Robertson, *The Philippine Islands*, XVII, 39.
[2] *Ibid.*, 42–43. [3] *Ibid.*, 41.

shall be confiscated. No permission shall be given by this means, pretext, and occasion, to cause any unreasonable injury to the owners of the goods. [Felipe III — Valladolid, December 31, 1604; San Lorenzo, April 22, 1608; clause 11.]

LAW IX[1]

We declare that in the five hundred thousand pesos granted by permission [to be sent] from Nueva España to Filipinas, must and shall be entered the amounts of legacies, bequests, and charities [*obras pias*], with the wrought silver and all other things carried thither; and nothing shall be reserved, except the pay of the sailors, as is ordered by the following law. [Felipe III — San Lorenzo, August 19, 1606.]

LAW X[2]

We grant permission to the sailors serving on the trading ships between Nueva España and Filipinas to carry in money the actual and exact sum of their pay, in addition to the general permission. Thus shall the viceroys of Nueva España provide, unless they perceive some considerable objection. They shall see to it that the said sailors or other persons shall not be allowed to exceed the amount permitted by this law. [Felipe III — San Lorenzo, August 19, 1606.]

LAW XVIII[3]

The cargo of the ships of the line, on both outward and return trips between Nueva España and Filipinas, shall be stowed in the forehold; and only the sea stores, the sailors' and mess chests, the rigging, sails, and all the necessities, between decks. Likewise rigging shall be taken to the port of Acapulco, in consideration of the fact that the city of Manila has it at cheaper rates than the port of Acapulco — whither it is carried from San Juan de Ulua at very great cost and expense. We order this to be so executed, providing there is no inconvenience; and if there should be any, we shall be advised in order to provide the advisable measures. [Felipe III — San Lorenzo, April 22, 1608.]

[1] Blair and Robertson, *The Philippine Islands*, XVII, 46.
[2] *Ibid.*, 46.
[3] *Ibid.*, 48.

ADMINISTRATIVE SYSTEMS OF HISPANIC AMERICA

53. Royal Ordinances concerning the Laying Out of New Towns

[San Lorenzo, July 3, 1573. *Bulas y Cédulas para el Gobierno de las Indias* ("Bulls and Decrees for the Government of the Indies"), MSS. 3017, Archivo Nacional, Madrid. Translated by Mrs. Zelia Nuttall and published in the *Hispanic American Historical Review* (May, 1922), V, 249–254. Reprinted by permission of the editor.]

Spain introduced her municipal system into America at the very beginning of her colonial era, or more than seventy-five years before the ordinances given below were issued. A royal decree of 1563 compelled every *adelantado* to found at least three cities with dependent villages in the district over which he ruled. In the absence of an authorized leader ten married men might found a city and form its government. The city came to be in the Indies what it had been in Spain even before the Roman conquest — a center of local government. It was in the *ayuntamiento*, with its *alcaldes* and *regidores*, that the Creoles could and did take an important part in the government of the community. Later many of these urban centers became the nursery for the development of republican and democratic movements and the bases of operations against the mother country. The following regulations prescribed in detail the manner of founding new municipalities:

I the King

Ordinances for discoveries, new settlements and pacifications.

110. . . . After having made the discovery and selected the province, district and land to be peopled and the sites where new settle-

ments are to be founded those who intend to settle are to proceed in the following manner:

On arriving at the locality where the new settlement is to be founded (which according to our will and ordinance must be one which is vacant and can be occupied without doing harm to the Indians and natives or with their free consent) the plan of the place, with its squares, streets and building lots is to be outlined by means of measuring by cord and ruler, beginning with the main square from which streets are to run to the gates and principal roads and leaving sufficient open space so that even if the town grows it can always spread in a symmetrical manner. Having thus laid out the chosen site the settlement is to be founded in the following form.

111. The chosen site shall be on an elevation; healthful; with means of fortification; fertile and with plenty of land for farming and pasturage; fuel and timber; fresh water, a native population, commodiousness; resources and of convenient access and egress. It shall be open to the north wind. If on the coast care is to be taken that the sea does not lie to the south or west of the harbor. If possible the port is not to be near lagoons or marshes in which poisonous animals and corruption of air and water breed.

112. In the case of a sea-coast town the main plaza which is to be the starting point for the building of the town, is to be situated near the landing place of the port. In inland towns the main plaza should be in the center of the town and of an oblong shape, its length being equal to at least one and a half times its width, as this proportion is the best for festivals in which horses are used and any other celebrations which have to be held.

113. The size of the plaza shall be in proportion to the number of residents, heed being given to the fact that towns of Indians, being new are bound to grow and it is intended that they shall do so. Therefore the plaza is to be planned with reference to the possible growth of the town. It shall not be smaller than two hundred feet wide and three hundred feet long nor larger than eight hundred feet long and three hundred feet wide. A well proportioned medium size plaza is one six hundred feet long and four hundred feet wide.

114. From the plaza the four principal streets are to diverge, one from the middle of each of its sides and two streets are to meet at each of its corners. The four corners of the plaza are to face the four

points of the compass, because thus the streets diverging from the plaza will not be directly exposed to the four principal winds, which would cause much inconvenience.

115. The whole plaza and the four main streets diverging from it shall have arcades, for these are a great convenience for those who resort thither for trade. The eight streets which run into the plaza at its four corners are to do so freely without being obstructed by the arcades of the plaza. These arcades are to end at the corners in such a way that the sidewalks of the streets can evenly join those of the plaza.

116. In cold climates the streets shall be wide; in hot climates narrow, however, for purposes of defense and where horses are kept the streets had better be wide.

117. The other streets laid out consecutively around the plaza are to be so planned that even if the town should increase considerably in size it would meet with no obstruction which might disfigure what had already been built or be a detriment to the defense or convenience of the town.

118. At certain distances in the smaller town, well proportioned plazas are to be laid out on which the main church, the parish church or monastery shall be built so that the teaching of religious doctrine may be evenly distributed.

119. If the town lies on the coast its main church shall be so situated that it may be visible from the landing place and so built that its structure may serve as means of defense for the port itself.

120. After the plaza and streets have been laid out building lots are to be designated, in the first place, for the erection of the main church, the parish church or monastery and these are to occupy respectively an entire block so that no other structure can be built next to them excepting such as contribute to their commodiousness or beauty.

121. Immediately afterwards the place and site are to be assigned for the Royal and Town Council House, the Custom-House and Arsenal which is to be close to the church and port so that in case of necessity one can protect the other. The hospital for the poor and sick of non contagious diseases shall be built next to the church forming its cloister.

122. The lots and sites for slaughter houses, fisheries, tanneries,

and such like productive of garbage shall be so situated that the latter can be easily disposed of.

123. It would be of great advantage if inland towns, at a distance from ports were built on the banks of a navigable river, in which case an endeavor should be made to build on the northern river bank, all occupations producing garbage being relegated to the river bank or sea situated below the town.

124. In inland towns the church is not to be on the plaza but at a distance from it in a situation where it can stand by itself, separate from other buildings so that it can be seen from all sides. It can thus be made more beautiful and it will inspire more respect. It should be built on high ground so that in order to reach its entrance people will have to ascend a flight of steps. Near-by and between it and the main plaza the Royal Council and Town House and the Custom-House are to be erected in order to increase its impressiveness but without obstructing it in any way. The hospital of the poor who are ill with non contagious diseases shall be built facing the north and so planned that it will enjoy a southern exposure.

125. The same plan shall be carried out in any inland settlements where there are no rivers, much care being taken that they enjoy other conveniences requisite and necessary.

126. No building lots surrounding the main plaza are to be given to private individuals for these are to be reserved for the church, Royal and Town house, also shops and dwellings for the merchants, which are to be first erected. For the erection of the public buildings the settlers shall contribute and for this purpose a moderate tax shall be imposed on all merchandise.

127. The remaining building lots shall be distributed by lottery to those of the settlers who are entitled to build around the main plaza. Those left over are to be held for us to grant to settlers who may come later or to dispose of at our pleasure. In order that entries of these assignments be better made a plan of the town is always to be made in advance.

128. After the plan of the town and the distribution of the lots have been made each settler is to set up his tent on his lot if he has one, for which purpose the captains shall persuade them to carry tents with them. Those who own none are to build huts of such materials as are available, wherever they can be collected. All settlers, with

greatest possible haste, are to erect jointly some kind of palisade or dig a ditch around the main plaza so that the Indians cannot do them harm.

129. A common shall be assigned to each town, of adequate size so that even though it should grow greatly there would always be sufficient space for its inhabitants to find recreation and for cattle to pasture without encroaching upon private property.

130. Adjoining the common there shall be assigned pastures for team oxen, for horses, for cattle destined for slaughter and for the regular number of cattle which according to law, the settlers are obliged to have, so that they can be employed for public purposes by the council. The remainder of land is to be sub-divided into as many plots for cultivation as there are town lots and the settlers are to draw lots for these. Should there be any land which can be irrigated it is to be distributed to the first settlers in the same proportion and drawn for by lottery. What remains over is to be reserved for us so that we can make grants to those who may settle later.

131. As soon as the plots for cultivation have been distributed the settlers shall immediately plant all the seeds that they have brought or are obtainable, for which reason it is advisable that all go well provided. All cattle transported thither by the settlers or collected, are to be taken to the pasture lands so that they can begin at once to breed and multiply.

132. Having sown their seeds and provided accommodation for their cattle in such quantities and with such diligence that they can reasonably hope for an abundance of food, the settlers, with great care and activity are to erect their houses, with solid foundations and walls for which purpose they shall go provided with moulds or planks for making adobes and all other tools for building quickly and at little cost.

133. The building lots and the structures erected thereon are to be so situated that in the living rooms one can enjoy air from the south and from the north, which are the best. All town houses are to be so planned that they can serve as a defense or fortress against those who might attempt to create disturbances or occupy the town. Each house is to be so constructed that horses and household animals can be kept therein, the courtyards and stockyards being as large as possible to insure health and cleanliness.

134. Settlers are to endeavor, as far as possible, to make all structures uniform, for the sake of the beauty of the town.

135. The faithful executors and architects and persons who may be deputed by the governor for the purpose shall be most scrupulous in carrying out the above instructions and in hurrying both field labor and house building so that the town may be completed in a short time.

136. If the natives should wish to oppose the establishment of a settlement they are to be given to understand that the settlers desire to build a town there not in order to deprive them of their property but for the purpose of being on friendly terms with them; of teaching them to live in a civilized way; of teaching them to know God and His Law by means of which they shall be saved. This shall be explained to them by the friars and clergy and persons deputied by the governor, by means of good interpreters. Attempts are to be made by all fair means to establish the settlement peaceably and with the consent of the natives. If, after many different attempts have been made to gain their consent the natives still withhold it then the settlers are to proceed to establish their town but are not to take any of the personal belongings of the Indians or to do them more hurt than what may be necessary in order to protect the settlers and enable them to build without interference.

137. While the new town is being built the settlers, as far as possible, shall try to avoid communication and intercourse with the Indians and are not to go to their villages or amuse themselves or disperse themselves over the country. Nor are the Indians to enter the circuit of the settlement until the latter is complete and in condition for defense and the houses built, so that when the Indians see them they will be filled with wonder and will realize that the Spaniards are settling there permanently and not temporarily. They will consequently fear the Spaniards so much that they will not dare to offend them and will respect them and desire their friendship. When the settlers begin to construct the town the governor is to appoint some one to take charge of the sowing and cultivating of wheat and vegetables so that the settlers can immediately employ these for their maintenance. The cattle are to graze and be tended in a safe place where they can do no injury to the cultivated lands or anything belonging to the Indians. The aforesaid cattle and their offspring are to be at the service of the settlers and for their use and subsistence. . . .

54. Instructions to José de Gálvez

[El Pardo, March 14, 1765. Herbert Ingram Priestley, *José de Gálvez, Visitor-General of New Spain, 1765–1771* (1916), 404–412. Reprinted by permission of the author and the University of California Press.]

The system of visitation was of ancient origin. Central authority had its special representative to discover how the machinery of government was functioning, to detect official delinquency, and to suggest reforms for evil practices. Spain made increasing use of the system during the reign of the Catholic sovereigns. According to Priestley, the visitation might assume a number of different forms. It might be either general or particular, depending on the purpose of the monarch in deciding on this method of supervision. Its purpose in either case was the same: an effort to enforce the existing regulations and to enable the monarch to know what was actually taking place throughout his realms. The manner of appointment of the *visitador*, the character of the services which he was to perform, and the problems to be solved by him are all illustrated in the following *Instrucción Reservada* to José de Gálvez.

The King: Don Joseph Galvez, of my Council, *Alcalde de mi Casa y Corte*, and honorary minister with seniority of the Council of the Indies; notwithstanding that I am well satisfied with the zeal, activity, prudence, and disinterest with which the branches and revenues of my royal patrimony are managed by my viceroy of New Spain and by the ministers of my *real hacienda*, the governors, and other subordinates who serve under their orders, it being necessary, on account of the large sums needed in attending to the obligations of my royal crown, to exhaust all means which may appear conducive to increasing as much as possible the income from the revenues to the end that the burden of imposing new contributions may be avoided, and to collect all legitimate duties as legally provided without altering established practice or dispensing voluntary favors, and to prevent abuses and all superfluous expenses not absolutely indispensable for the best administration of the revenues:

I have deemed it convenient to my royal service to name you, Don

Joseph Galvez — a minister in whom I have entire satisfaction and confidence, able, zealous, and skilled in the management of revenues — that you may, in the capacity of visitor-general of all the branches, revenues, and duties, which in any form appertain to my *real hacienda* within the jurisdiction of the kingdom of New Spain, take cognizance of all of them, examine their proceeds, expenses, balances, and the whereabouts of their funds; demand any arrears in which the administrators, treasurers, lessees of revenues, or other persons who have managed rents, may be to my *real hacienda*; and regulate the system and management with which the revenues are to be administered in future, reducing expenses and salaries which can and ought to be lowered or abolished, so that the balances be not dissipated by unnecessary expense, but made more effective to their destined ends.

I grant you for all this, and for all that is to be expressed, the powers and jurisdiction which you need to give your commission entire fulfilment. To this end I desire that my viceroy and captain-general of New Spain shall take all measures which you ask and give you the assistance you need; and on your part, you will see to the punctual fulfilment of the following articles:

I. As soon as you arrive at Vera Cruz you will forward the despatches which you carry for the viceroy, in which he is advised of your commission, that he may in consequence thereof issue the corresponding orders to the tribunals, ministers, officers, and servants of the revenues and other rents pertaining to my royal patrimony, in order that they may recognize you as such visitor-general and give you all information and documents which you require for the discharge of your duty, and may govern themselves in conformity with such dispositions as you may make. As soon as you receive the orders from the viceroy you will begin to exercise your functions in Vera Cruz; when you have finished there, you will proceed to Mexico to continue your duties, acting always in the utmost harmony with my viceroy.

II. In Vera Cruz you will inform yourself in minute detail what custom-houses there are for the examination of goods which come in single ships [i. e., not in the fleet], and what duties they pay; with what formalities their cargoes are registered; whether the duties are collected according to tariff schedules, on the bills of lading, or upon appraisal; whether these duties are managed in conformity with royal orders; whether the rules under which they are managed con-

form to that wise administration which should be found in them; whether there is a proper system of accounting; whether *guías* are given with the clearness and distinctiveness necessary for the safe transportation of goods; whether the goods are marked [*si se marchaman*], so that it shall be evident wherever they are found that they have passed through the custom-house, thus eliminating the frauds which might be committed if marking were not enforced; whether there are custom-houses of counter-register, and whether proper examinations are made in them to prevent smuggling; and whether such precautions are taken both by land and by sea as are necessary to the security of my royal revenues.

In all that you find proper, you will make no change; but in all that you find demanding it, you will make correction, giving rules and instructions by which the custom-houses are in future to be governed, to the end that, without injury to commerce, the greatest income may be derived through the correction of all abuses which may have grown up in the management of the revenues. It is understood, however, that if any measure be deemed necessary which changes the practice established by earlier orders, you shall not take such measure yourself, but refer it to the viceroy, to whom you shall make manifest the reasons which justify it.

III. Since Vera Cruz is the point through which all the commerce of New Spain must pass, it is indispensable that you take as many precautions as you think necessary to prevent introduction of goods brought in single ships without passing through the custom-house established, where they must be marked so that, with the *marchamo* and the proper *guía* they may be lawfully introduced, and all goods not so formally marked may be confiscated as having been smuggled.

IV. Goods, effects, and products which go in the fleet demand a different inspection; for, although they are discharged in Vera Cruz, no duties are levied on them in those custom-houses, nor do their variety and other characteristics permit their formal inspection. You must therefore observe with care whether the bales, packages, parcels, boxes, barrels, and bundles conform with the entries made at Cadiz and have the same measures, marks, and addresses. If you find they do so correspond, you will consider your examination complete. But if you find bales, packages, parcels, etc., which are not included in the entries, these must be taken to the custom-house to be examined, and

the goods, products, and effects which they contain must be confiscated as having been embarked at Cadiz without payment of the duties required by law.

V. As the goods brought by the fleet are carried to the Jalapa fair, it is fitting that you take note of the regulations observed in their transportation, the form and circumstances under which the fair is held, with what safeguards against damage and fraud the goods bought there are transported to the various destinations to which their owners send them, and in what manner the duties are guaranteed on goods which remain at Jalapa unsold. If you find that the established regulations prevent all fraud, and offer security to the owners for transporting their goods, you will make no changes, but if you find the regulations insufficient, and that others, entailing inconsiderable disturbance to commerce, ought to be established whereby both these ends may be secured, you will make note of them, and, as soon as you arrive at Mexico, you will suggest them to the viceroy in order that he may issue suitable orders for putting such regulations at once into operation.

VI. In Vera Cruz, as well as in the entire viceroyalty of New Spain, you will take cognizance of all the branches and revenues which appertain to my *real hacienda.* They are: the *salinas, tercias* [*novenos*], *naipes, alumbres, minas, fiesta de gallos, cordobanes, buceos de perlas, nieve, pulques, tributos de las parcialidades, bulas, papel sellado, alcabala, servicio real de los Indios, lanzas* and *medias anatas,* with all other duties and imposts which in any manner or form belong to my *real hacienda.* You will, without the slightest exception, examine them branch by branch, discover their origin, see whether the collections conform with what is prescribed, how and by whom they are managed and under what rules, what incomes they produce, what expenses they carry and whether these are legitimate or ought to be abolished, how much net proceeds remain to my *real hacienda,* and whether such proceeds have been placed in treasuries as they should be.

VII. If the collections in each kind or branch of revenue do not correspond to what is prescribed, you will ascertain the cause; if you find in the collections a continuous, uniform practice among all taxpayers whereby the existing system has come to have the sanction of custom, you will make no changes; but if you find that discrepancy has arisen from abuses which are not to be tolerated, and that equality is not

observed, some persons being excused from payments which are required from others, you will see to it that the duties are collected in conformity with the orders under which the specific branch was created.

VIII. You will ascertain by whom and under what rules each branch is administered; and if you recognize that the persons in charge of it have performed their duties with zeal and integrity, you will commend them to so continue; but if you find, and it is proven, that they have been remiss in their duties and have not merited the confidence reposed in them in matters of importance, to the detriment of my *real hacienda*, you will remove them from their employment and put others in their stead who will serve me with zeal and in a proper manner.

IX. If you find that the rules and instructions under which each branch is managed and controlled are suited to its best administration and conservation, and with the proper accounting and order which should exist in it, you will see that these rules are strictly observed; but if you find that they are not such as are calculated to attain the proper end, you will form others to be in future observed in the management of the branch, whereby the collection of the lawful duties shall be assured, frauds prevented, and the accounting so arranged that malversation is prevented.

X. You will examine the subordinate employees who are assigned to administration and accounting in each branch, and if there are only those who are indispensable, you will make no changes; but if you find that their number is excessive, or that there are some employees who ought to be removed, you will leave only those who may be necessary for the good of the service, suppressing such positions and employments as are superfluous; if the incumbents have performed their duties satisfactorily, you will remember their merits and appoint them to other positions where there may be need, in which they may be useful to my service.

XI. You will examine the income of each branch, and ascertain whether it corresponds to the impost; if so, you will make no changes; but if they do not correspond, you will discover the reason for the diminution and take measures suitable for increasing the revenue as much as possible, whether it be leased to contractors or administered by crown officers.

XII. You will endeavor to inform yourself minutely concerning the running expenses of each branch, and whether there is any overloading;

if you find expenses normal you will allow them to continue, but if they are excessive you will reduce them to what is indispensable, and remove any unloading which may consume my royal revenues.

XIII. You will obtain information as to what net proceeds of any branch are credited to my *real hacienda*, and whether they have been properly placed in treasuries, and you will see that any funds undeposited shall at once be deposited.

XIV. If any administrators or other subordinates who may have managed my revenues and funds shall not have given an account of their office, you will cause them to do so promptly and satisfactorily, seeing that the balances which they acknowledge are placed at once in my treasuries, and when their accounts are closed, they shall do the same with any other balances which may be apparent.

XV. The greater part of the revenues which belong to me in New Spain shall be leased, you will examine the contract of each one, to ascertain its conditions, prices, terms of payment, and whether the lessees have fulfilled the terms of their obligations.

XVI. If the conditions are not suitable to the character of the revenues, you will make other just ones adapted to facilitating lawful collection without extortion (giving for this purpose the necessary assistance to lessees of revenues), so that future awards of revenue contracts may be governed thereby; but you will make no change in existing contracts unless they contain grievous, irritating conditions (if such conditions exist you will correct them), or unless the contracts have been plainly broken (in which case they ought to be discontinued), or unless they were not made with legal formality, having been arranged for by extension of previous contracts or by other means without having been offered at public auction, as they should be and as the law provides. If any contracts have this defect, they ought to be terminated if any prejudice to my *real hacienda* results from them, although in these points you will proceed after hearing all parties to the contracts, so that you may decide equitably and according to law.

XVII. It is essential that lessees of revenues be obliged to render account of the income from the revenue or branch which is under their care, and though these accounts are usually rendered in a faulty manner, yet by means of them and through other information which you may obtain you will be able to form a judgment as to whether the price of the contract is proportionate to the income which the rev-

enues ought to produce if properly administered by crown officers; such knowledge being obtained, whenever a contract expires, it shall not be let again unless the price is just, considering the proper gain which the lessee ought to make to pay him for his risk in the investment of his capital to obtain the contract, and for his labor. If you cannot secure such a price, you will arrange to have such branch administered by my *real hacienda*, if upon prudent consideration you find that that method would be more profitable than leasing the revenue.

XVIII. You will ascertain whether lessees of revenues have deposited the payments for their contracts in the treasury at the stipulated times; if they have not complied with this obligation, you will see that they do comply without delay, and that they are prompt in succeeding payments; in default thereof, you will attach [*poner intervención en*] the revenue which is at their charge and risk, in order to secure my *real hacienda*; for whatever arrears and deficits they may be chargeable, you will proceed against their estates and those of their securities, according to law.

XIX. The revenue of *alcabalas* is collected in New Spain at the rate of six per cent; it is leased by *villas* and *partidos*, and it is necessary that you examine carefully the manner, cases, and the circumstances in which it is levied, and the increase which, judging by the volume of the business in the various sections, it may be made to yield either by regular lease of the revenue or by crown administration if there are no bidders to offer a just price, or by inducing the towns to take the collection under their care at an equitable figure, so that they may bear a share in the expenses of the administration, which would otherwise be borne by the crown.

XX. The [condition of] the revenue from salt renders it desirable that you investigate the salt works and the duties on salt consumed [*consumos*] to ascertain whether the income derived from them is proportionate [to the production]; you will ascertain whether the concession, under licenses, is, through abuses, prejudicial to my *real hacienda*; you will also determine what measures ought to be taken so that, if the privilege is continued to those towns, any fraud which may exist shall be stopped.

XXI. The *tercias* or *novenos* which belong to my *real hacienda* ought to constitute a branch of much importance; by the latest

contracts they produce very little. You will therefore endeavor to obtain an exact statement of what the tithes amount to within the confines of the several archbishoprics, bishoprics, and abbacies, in order to proceed with leasing or administering the tithes with full knowledge of what this branch can produce in a quinquennium.

XXII. The manufacture of powder is also leased. The scarcity of that article and its high price demand especial consideration, so that due care of the revenue may be taken by promoting as much as possible the gathering of saltpetre and the manufacture of powder, and that the supply shall equal the demand and the public be supplied as economically as may be. To this end you will ascertain how many quintals of powder are manufactured, and how much it would be possible to manufacture, judging from the amount of saltpetre which can be obtained; what amount of powder is needed for my service; the quality and price of that which is furnished to me; how many quintals are sold to the public, and at what price they are sold in the monopolies. These particulars you will ascertain, so that you may form a judgment as to whether this revenue, if well safeguarded and governmentally administered, would not yield a larger income than at present.

XXIII. The privilege of manufacturing playing-cards is also leased, and it is necessary that you inform yourself minutely concerning the management of this monopoly, determining the cost to the lessee of each pack of cards according to the various qualities thereof, the number of packs consumed, and the prices at which they are sold, so that you may estimate the revenue which ought to be derived from this source.

XXIV. The revenue or duty on snow is generally leased; it is necessary that you ascertain the cost of collecting and storing snow, what quantity is consumed, and at what prices it is sold, in order that you may learn what annual income ought to be yielded either by administration or lease.

XXV. The branch of *pulques* is of the greatest importance, and therefore demands that you pay particular attention to it to ascertain the quantity consumed in each town and to increase the revenue as much as possible by either administering or leasing it.

XXVI. Sales of dispensations under the bulls of the Santa Cruzada are also awarded by contract under excessively disproportionate

premiums, and the payment and accounting for those that are sold are made at very long intervals; therefore, in order that this [pontificial] grace may prove more serviceable to the holy ends to which it is directed, you will endeavor to reduce the premiums and shorten the intervals of payment and accounting, at the same time examining the method of collecting the superfluous dispensations, so that you may prevent the customary frauds which characterize their collection; however, in this matter, and in that of the publication of the bull, you will proceed entirely in accord with the subdelegates of the Cruzada, so as not to come into conflict with the powers which these officers exercise.

XXVII. In all the other branches, the *minas de plata, cobre, alumbres,* the *fiestas de gallos, cordobanes, buceos de perlas, servicio real de los Indios, lanzas, medias anatas, papel sellado* and whatever others may belong to my *real hacienda,* you will take cognizance of their actual gross receipts, and of the greatest income which they may be made to produce, according to their quality and character if managed by rules which you deem adapted to their best administration and conservation. At the same time you will ascertain whether there are defalcations in any of these branches; if so, you will see to their proper redintegration.

XXVIII. It being impossible for you to examine personally the management of all the revenues throughout the vast regions which lie within your commission, I grant you authority to name visitors who, as your substitutes under the orders, rules, and instructions which you may give them, shall examine the condition and management of the revenues in the various localities to which you may send them. These visitors shall give you punctual account of whatever may be conducive to the better administration of the revenues, and of whatever deficits may exist in them, so that, in view of their reports, you may give whatever orders you consider proper to render my service conformable to my royal purpose.

XXIX. In all judicial affairs concerning the general visitation of the branches of the revenues and the royal incomes you will act as a *ministro togado y de justicia,* with the independence, reservation of authority and exclusive jurisdiction which, under the laws of the Indies, belong to the nature of your commission, by virtue of which your decisions cannot be challenged. If appeal is taken from your

definitive judgments in those cases and within such periods as you must legally concede, you will bring them before my person, in conformity with the orders which have been promulgated for affairs of *real hacienda.*

XXX. You will take cognizance of the *propios y arbitrios* of the towns, and, in conformity with my merciful and just purposes, which are explained in the *Instrucçión* given for the management of those taxes in Spain, you will see that an accounting is made of them, that expenses are regulated, superfluous ones being eliminated, and that the residues are applied to the reduction of the levies, so that there shall be no malversation of these public funds, which is injurious to my vassals.

XXXI. By reason of the satisfaction which I have in your judgment and prudence, it is my royal will that you ascertain, with the circumspection and maturity of thought demanded, whether it will be useful and conducive to the good of my service and of my vassals to establish one or more intendencies in New Spain on the same model as those of Spain, or with some limitations or amplifications. You will, according to your judgment, in view of the actual circumstances, government, and extent of that empire, represent to me what you deem most conducive to the good of my service and of my people.

XXXII. In order to assure good method, administration, management, and security in all the branches of revenue, and that these may yield all possible increase without injury to my vassals, for the purpose of meeting the growing expenses of New Spain on account of new troops, and other measures which I have taken for the better protection of those dominions, it will be very desirable for you, during such time as you may reside in Mexico, to confer with the viceroy in a junta which you should hold every week concerning the best method of securing the proposed ends and the measures which may be deemed conducive to them; for these measures not being reserved, and having no reference to the visitation, the zeal of my viceroy will be enlisted in their authorization, and he will concur efficaciously in the promotion of my interests and the improvement of my service.

XXXIII. Finally, you must endeavor to proceed in the discharge of your commission in accord and harmony with my viceroy as far as possible, and you will follow similar procedure with those other ministers and subordinates who have performed their duties. And in

view of the great confidence which I have in your prudence, uprightness, and fitness in an affair which so intimately concerns my *real hacienda* and the good of my vassals, I desire, and very especially charge you, that all your measures shall be directed solely to the service of both Majesties, without injury or offence to any one. I do command you that, if in any matter included in your grave duties you think serious difficulty may follow any changes, you will report them to me in detail, that I may in view thereof act according to my pleasure.

Given at El Pardo, March 14, 1765.

I THE KING

55. SECRET INSTRUCTIONS OF VICEROY LAVRADIO TO VASCONCELLOS E SOUZA, HIS SUCCESSOR AS VICEROY OF BRAZIL

[Rio de Janeiro, June 19, 1779. John Armitage, *The History of Brazil* (1836), II, 161 ff. Published by Smith, Elder and Company, London.]

The viceregal system of Brazil was established by Philip III in 1640 while Portugal and her colonies were still under the rule of Spain. Bahia was the capital and remained so until 1763, when it was removed to Rio de Janeiro. The first viceroy, Dom Jorge Mascarenhas, Marquis de Montalvão, took office on June 15, 1640, but served less than a year. The viceregal office was allowed to remain vacant for several years. Dom Affonso VI revived the office in 1662, appointing Dom Vasco Mascarenhas, first Count de Obidos, to that position. He served from June 24, 1663, to June 13, 1667. The author of the following instructions, Dom Luiz de Almeida Portugal Soares Deça Alarcão Silva Mascarenhas, second Marquis de Lavradio and fourth Count of Avintes, took office on November 4, 1769. He served until April 5, 1779, when Luiz de Vasconcellos e Souza began his term of office, serving until July 9, 1790. The last of the viceroys of Brazil was Dom Marcos de Noronha, eighth Count dos Actos, who assumed control of the office on August 21, 1806, and served until the arrival of the Portuguese royal family at Brazil in January, 1808. The viceroys of Brazil were under the immediate

jurisdiction of the Ultra-Marina Council in Lisbon, a governing body similar to the Council of the Indies of Spain. The following excerpts give an account of affairs in Brazil during the ten-year term of the Marquis de Lavradio.

Although the brilliant acquirements and distinguished talents of your Excellency may easily recognize whatever is of most importance in this Captaincy, and though your penetration may discover whatever be immediately necessary, by your inquiries, without the aid of the following diffuse and incomplete narration; yet as there may be some particulars with which you might for a long time be unacquainted, and towards which your attention will be required, in order that your cares and judicious measures may remedy my errors; the love which I bear to the royal service, and the interest which I take in the good of this people and in the good of the State, induce me to lay before your Excellency a narration of the forces of this Captaincy, — of the state in which I found it, — of its interests, — of the system which I have followed, — of the character of its inhabitants, and lastly, of the state in which I deliver it over to your Excellency.[1] And if this my narration do not satisfy all the curiosity of your Excellency, you will be pleased to excuse me on account of this document being original, *i.e.* that I am the first who give an account to my successor of the Government which I deliver to him; this ceremony never having been before attended with any other formality than that of reading the Patents, or "Cartas Regias," of their Majesties to the individuals appointed, and to those deposed. This was all the instruction which I myself received, and I was thus obliged to lose much time ere I could trace out a path in which I could travel with perspicuity.

This Captaincy extends in a direct line from east to west 55 leagues, but if the extension of its coast be reckoned, it extends 75 leagues, from the great circuit which it makes from Cape Frio to the North. Its width, north to south, from Cape Frio to the west, will be 20 leagues more or less, according to the irregularities of the soil; but from Cape Frio to the East it is much narrower, and goes on diminishing until it ends with the river Macapuam, where it may be about six leagues wide. *These distances are taken from different maps, but the Geographers who have been entrusted with the formation of them, have, I am told, been*

[1] John Armitage, *The History of Brazil . . .*, II, 161–163.

guided rather by hearsay, than by personal examination, and hence arise many discrepancies, and a want of confidence, on my part, in their maps.

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I found the troops in good order as far as regards evolutions, and that they were well provided for, but I found the jurisdiction materially altered, since the Lieutenant-General had overstretched his authority.[1] The Viceroys were dissatisfied, but they permitted his usurpations and vented their spleen only in complaints, for which he cared but little. *He acted with asperity towards the troops and his officers, and carried into execution the regulations even in points wherein they are prejudicial in this country, both to the life of men and to the State. Now the season for exercise selected in Europe on account of the coolness of the weather, is in America the hottest period of the year, and is also the rainy season, from which cause I found many sick, that many others had lost their lives, and that others again had thus contracted maladies which had disabled them for the service. He consented to no more marriages than were permitted by the terms of the regulations, and as the armed force comprehends a great number of people in this country, he thus checked the means which might concur to the augmentation of the State. This excess of jurisdiction on the part of the Lieutenant-General, the consequent discontent of the Viceroy, the severity with which the troops were treated, and their loss of life and health, had given rise to so much intrigue and partiality, that every thing was in the greatest confusion, and there were so many deserters, that from these various motives the regiments were much diminished.*

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That district[2] is a highly important one, and worthy of the particular attention of your Excellency; its immense plains are extremely fertile, and the sugar-cane and all kinds of vegetables flourish there.[3] It has also much excellent timber, admirable balsams, oils, and gums, and many other precious drugs, with all of which commerce might be increased. It also possesses excellent mines of gold, which may be of great utility to the State when His Majesty shall be informed of their situation, and permit them to be worked by the people. It has many navigable rivers in which even now a good commerce is carried on.

[1] John Armitage, *The History of Brazil . . .*, II, 166–167.
[2] The district of Campos dos Goitacazes.
[3] John Armitage, *The History of Brazil . . .*, II, 179–183.

For many years it was the general asylum of all malefactors, thieves, and assassins, who sought refuge there, and were allowed so much liberty that they felt no actual subjection; but lived in idleness, cultivating no more than was necessary for their subsistence. It has been extremely difficult to reduce them to order. *I found, however, that this had been facilitated by the Viceroys, my predecessors, and by following in their steps both commerce and agriculture have increased under my government, as your Excellency will see from the annexed relation of the Colonel of Militia; but as these people have had such a bad education, it is necessary for the present to avoid giving them any power or authority, which may fill them with vanity, and lead to disastrous consequences.*

I have followed the system of conceding many grants of land to people of this Capital who go to settle there, — I have sent for many of the inhabitants here, that I might speak to them, — I have retained them here for some time, in order that they might be witnesses of a people living in a state of subjection, and that they might observe what respect and obedience is paid to the magistrates, and other individuals in authority; and during all the time that they have remained here *I have made them feel their dependence as much as possible.* Finally, when I have again sent them away, I have always rendered them some benefit, and they have thus been gradually civilized in such a manner that those horrible disorders, which were once a daily source of disquietude to the Governors of this Captaincy, have no longer existence.

The greatest care ought to be taken that no attorneys, public writers, or other people of unquiet spirits, go to establish themselves there, since as the people have had a bad education, no sooner do they hear any turbulent individuals flattering them, and inciting them to insolence, than they immediately forget their duty, and range themselves under his banners. In my time this occurred in the case of an Advocate, Jozé Pereira, who appearing to me a pacific character, and in good circumstances, I made Judge relative to the grants of land. He, however, became the cause of such disorders, that even a revolt took place; in which, if I had not had recourse to extraordinary measures, the farms and establishments in progress there might have been utterly destroyed. *I immediately sent for both this man and the individuals with whom he was in dispute; I threw them into a close prison, and treated them with the utmost severity, and with this proceeding intimidated the rest. Afterwards, on tranquillity*

being restored, I allowed them to return, in order that they might inform others how they had been treated, telling them at the same time, that in case of any further disturbances, I should make them responsible for every thing that occurred, so that they have henceforth taken the office of peace-makers, and quiet has been maintained.

I hope your Excellency will excuse me for having dilated on this head; but as I consider that district as one of the most important, I have deemed it requisite to do this, in order that your Excellency may be fully acquainted with its condition.

Of all these battalions, detachments were during the war sent to this Capital, and with these the fortresses were garrisoned. I also availed myself of this occasion to exercise the troops; and until they were perfected in their exercises, I continued this, and all the militia thus became qualified to serve efficiently in case of any attack. I ought also to inform your Excellency that I have had another still more cogent reason for bringing into the militia all the able-bodied men, and into the Ordenanças all such as are disabled; and this is to reduce these people in small divisions, under the command of respectable individuals appointed as their officers, and to keep these again in such subordination, that all may recognize the due authority of the person appointed by His Majesty to the government of this vast, prolific, and rich country, inhabited for the most part by people devoid of education, licentious in character, heterogeneous in caste, and unaccustomed to any subjection except to the Government and Magistrates. *Unless, in the first instance, they be separated, and made to recognize other and more immediate superiors, who, (though themselves the depositaries of the laws and orders of the Sovereign,) give an example of obedience and respect, it is quite impossible to govern without disturbance.*

Experience has shown this, since, in all the points where there has been neglect in reducing the people to this system, the disorders and tumults have been frequent, and not even the penalty of death has been able to diminish them; whereas, in all points where the system has been adopted, tranquillity has been maintained, disorders are less frequent, and the laws are more respected. *I make these reflections, since your Excellency will find much opposition to the conservation of these corps. The Lieutenant-General has the greatest envy of them; for, without looking to their great utility, he is vexed to see men who are not soldiers in uniform, and desires to see a distinction made between their*

officers and those of the regular troops, without remembering that the former serve without remuneration. Many private individuals, also, who desire to live in liberty, and free from subjection, employ all the means in their power to throw off a yoke which is necessary for their own good.

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Having hitherto spoken to your Excellency relative to the situation and military forces of the Captaincy, I shall now proceed to treat of the political and civil body, the character of the people, and the system which I have followed.[1] Your Excellency has the Court of Appeal, and the Magistrates composing it. Up to the present time its members have fulfilled their obligations in a distinguished manner, and I have had no complaints whatever of want of rectitude in their decisions. In this Capital there is also an Ouvidor and a Juiz de Fora. *The Ouvidor, besides being of very limited capacity, has, by old age and ill health, been totally disqualified for the performance of the duties of his office. As he is not sufficiently strong to fulfil his obligations, he frequently employs Advocates to execute his task, and it has thus happened on several occasions that the same Advocate who has been employed by the defendant, has, on the other hand, acted as accuser, and subsequently passed sentence as Judge.*[2] The consequences of such proceedings must be clearly apparent to your Excellency, yet the whole is managed with so much art that it is almost impossible to authenticate the fact, since the Advocates signing law papers on the part of the Ouvidor, cause the papers of their clients to be signed by other Advocates, who thus earn a livelihood; and it is thus impossible either to prove or to rectify the irregularity. I however make your Excellency acquainted with the circumstance, in order that you may adopt the measures which you deem the most expedient. The Juiz de Fora, at present here, bears a good character. A Judge for criminal causes is much wanted in this city, as your Excellency will afterwards see.

Some more Juizes de Fora are also necessary, and especially one for

[1] John Armitage, *The History of Brazil . . .*, II, 192–196.

[2] It may here be necessary to remark, that all proceedings in the law courts were at this time carried on exclusively in writing, a circumstance which materially facilitated these nefarious proceedings. In addition to the emoluments thus reaped by the same individual, in joint capacity of Advocate on both sides, and subsequently Judge, the Marquis might have mentioned the bribes customarily given, alike by plaintiff and defendant.

the district of Santo Antonio de Sá and the neighbourhood, — another for Campos dos Goitacazes, — another for the island of St. Catharine, and another for Rio Grande de San Pedro; it being necessary, before the nomination of these magistrates, that a scrupulous examination be instituted relative to their worth and talents. A knowledge of the laws and civil jurisprudence is not sufficient; they ought to be endowed with patriotism, and of a disposition which may give hope that they will endeavour to promote the prosperity and happiness of the people, both in appeasing their differences, animating their commerce and agriculture, and in opposing the sloth and erroneous prejudices which have led to the utmost indigence. The three Ouvidores required, viz., the one for this Capital, the one for the Captaincy of Espirito Santo and Campos, and the one for St. Catharine and Rio Grande, ought to be three active men who will carry through the beneficial measures already commenced by the Juizes de Fora of these districts. Without these magistrates, your Excellency will find it difficult to accomplish the augmentation and prosperity of this Captaincy. I have laboured nearly two years for this object; I have been tenacious, and I have not been checked by the doubts and difficulties which every instant presented themselves, yet as I have wanted support, I have done but little. *In general the magistrates who come to this country, (as far as my experience goes,) think of nothing further than fulfilling the time for which they have been sent here, in order that they may afterwards claim promotion; and during the time of their residence, their only study is to accumulate all that they can, in order that on their return they may benefit their families. Not one of them speaks of the utility of which he has been, or of any useful establishment which he has aided: all bewail the misery and poverty of their districts, being moved to this compassion by the trifling revenue which they have drawn from their office.*

As the salaries of these magistrates are small, their chief aim is not to retire, some with less property than others, and they seek to multiply their emoluments by litigation and discord, which they foment, and not only keep the people unquiet, but put them to heavy expenses, and divert them from their occupations, with the end of promoting their own vile interest and that of their subalterns, who are the principal concocters of these disorders. *During nearly twelve years that I have governed in America, I never heard speak of a single Judge who*

endeavoured to reconcile litigants, — persuading them not to ruin themselves by continued and unjust pleas, and who did in this respect what is so often recommended in the laws themselves. I may also state that I never found any one useful establishment instituted by any of these magistrates, and having sent to several of them to obtain information on a matter of this kind, I found them so ignorant and unacquainted with all such topics, that I resolved never more to have any conferences with them. Being in the end convinced of these truths, and aware that I ought to interfere, I endeavoured on numberless occasions to become the mediator between contending parties, no matter whether poor or rich, labourers or merchants; I called them mutually into my presence and reconciled them, and others I induced to appoint arbitrators for the adjustment of their differences; and in this manner, in the shortest way, I endeavoured to cause them to live together quietly, and to prevent them from ruining each other. Certainly the magistrates complained that law-suits were fewer and that their places were worth less than before; but the people experienced the benefit; commerce and labour increased, and would have increased still more if the said Judges had not opposed my efforts by all the means in their power.

Unless your Excellency, in the absence of any further orders from his Majesty on this point, do not pursue the same system with myself, you may rely upon it, this Capital will be ruined in a very short time, since as soon as it is known that your Excellency will leave every thing to the judicial tribunals, new law-suits will arise every instant, many that are now regarded as at an end, will begin again; the Magistracy who can now accumulate little more than will suffice to pay their passage to the mother country, will again be enabled to enrich themselves as formerly, but the people will be ruined.

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To avoid the recurrence of these abuses, I ordered that the coffer should be conveyed to the Mint, that the Treasurer should find sureties, that there should be certain days of payment, and that a code of regulations which I framed should be executed.[1] Accordingly the state of the coffer is always known, individuals receive the amount of deposits immediately, and all loss is prevented. I gave in an account of all this to the Marquis de Pombal: and receiving no answer, I persisted in my decisions.

[1] John Armitage, *The History of Brazil . . .*, II, 205–208.

There was, moreover, in this city a terrible nuisance, occasioned by the negroes arriving from the coast of Africa. As soon as they were disembarked they entered the city by the principal streets, though not only covered with filthy diseases, but naked, and being devoid of all instruction, they were in the habit of enacting the most disgusting scenes in the streets, before the houses where they were stationed. Respectable people could not appear with decency at the windows, and yet the abuse was permitted under pretext that the owners of the slaves were spared expense of rent by exposing them in the street by day, and bringing them into their dwellings by night. This disorderly proceeding, it cost me a great deal of trouble to obviate, and nothing but the most extreme constancy enabled me to succeed.

My resolution was, that on slaves being disembarked in the Custom-house, they should again be sent in boats to the Valongo, (which is apart from all the rest of the city,) and that they should there be deposited in stores, or warehouses. Also, I decided, that the purchasers should never enter with more than four or five naked slaves into the city, and that those bought for the province of Minas, or for the plantations, should be retained in the square of St. Domingos, where there was every convenience for the object, until they were taken away from the city.

I paid a great deal of attention to the execution of this order, and, although with difficulty, I caused it to be carried into effect, the health of the inhabitants of the city improved, the slaves themselves were more easily cured of their maladies, and to-day all acknowledge the beneficial result of what I have done. The slave-owners, nevertheless, do every thing in their power to bring affairs into their former train: — regarding their complaints, your Excellency will act as you think proper.

I have now spoken to your Excellency of the military, political, and civil state of this capital, and have now only to address you regarding the character of the people, the merchants, their commerce, and my system of government. *The general character of the inhabitants of those parts of America with which I am acquainted, is that of indolence, humility, and obedience. They are sober in their habits, yet they have at the same time great vanity and hauteur; but these defects are easily subdued. They are robust, support labour well, and follow the commands they receive; yet, unless they be commanded, they often remain in a state of inaction, until they are reduced to the most extreme indigence. Yet these*

very individuals, who are by themselves very easy to govern, sometimes become unmanageable, and give a great deal of trouble, on account of the Europeans, who have their establishments here.

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Those who are here regarded as the richest merchants, as, for instance, Braz Carneiro Leao, Manoel de Costa Cardozo, Jose Caetano Alvez, and some others, have acquired their riches by commissions, and the consignment of vessels.[1] As these men are very active, and have generally disposed of the merchandize sent to them, on good terms, and been diligent in procuring cargoes for their vessels, they are in good repute in Europe, and have thus acquired their capital. Though, however, these men are both rich and honourable, I cannot regard their houses as commercial houses, since they themselves are ignorant of their profession, and of the most approved methods of book-keeping. At present, since the establishment of a commercial school, some clerks have been found who have put their books in better order; but this is only in a few instances. As these men are simple commission agents, they cannot forward the commerce of the State; since they are bound by the orders of their constituents, and can ship nothing without instructions. The exports thus consist exclusively of commodities which have been known for years, and all others are neglected. The commission agents here will not send any new commodities, since they have no orders for them, and they are too timid to send them on their own account. Thus your Excellency will perceive that, for the augmentation of the commerce of this Captaincy, the establishment of companies with partners, both in Brazil and in Europe, is necessary, or a more scrutinizing policy on the part of the merchants of Europe. Otherwise, it is impossible that commerce should increase, and your Excellency will have the disgust of seeing many precious and available articles of export utterly neglected. It was always my system, on all these points, to consider that every thing relating to the felicity, comfort, defence, and protection of these people, was my charge, and that I had a jurisdiction to interfere in all the foregoing departments, and take such measures as I regarded most conducive to the above ends.

In the municipal chamber I allowed the President and the Aldermen to govern according to their attributes, I meanwhile paying attention to all irregularities, and writing from time to time to the chamber to

[1] John Armitage, *The History of Brazil . . .*, II, 209–212.

remind its members of their obligations. These my determinations or hints were, however, always ordered to be executed in the name of the chamber. *I always followed the system of taking no notice whatever of the murmurs of the people. I always endeavoured to ascertain, without their perceiving it, when they were really aggrieved, and when I considered that they were, I endeavoured, as though insensibly, to amend my own resolutions, but always remained constant in my designs, feigning myself ignorant of what was said.* Often, under other pretexts, I gave the complainants an opportunity of speaking to me, and, after having conversed with them freely, without allowing them to suppose me aware of their complaints, I led to the topic which had excited them, and, after repeating the objections which might be urged against my plans, I proceeded to answer them in such a natural manner, that they became convinced that I was right, and, being disabused, they imagined that I had chosen them for my confidants, never suspecting my real motives. *As the good of the people has ever been my chief object, I endeavoured by all the means possible to avoid all prejudice to them, and at the same time to benefit their credit and reputation.*

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From what I have here said, your Excellency will perceive that His Majesty ought to be immediately made aware of the want of means in this Captaincy, both for the payment of the old debt, and the annual expenses.[1] *The public expenses increase daily, and the voluntary subsidy, the voluntary revenue, and the revenue arising from the estates of the Jesuits have ceased. Other branches of the revenue, as those of the Chancellorship and the duties on wines, have diminished; and others, such as the contract for the whale-fishery, and for salt, which ought to have doubled, have been lately sold at only a slight advance. Unless, indeed, some measures be taken for the relief of the Captaincy, your Excellency must necessarily contract a further debt of from 200,000 to 300,000 cruzades annually, and thus contribute to cripple commerce, and to depress industry still further.*

The culpable negligence of the Secretary of the Junta, Joaõ Carlos Correia de Lemos, in conjunction with the malice which at times induced him to revenge himself on those who have complained of his delays, has prevented me from being enabled to draw out a formal account of the matter, fit to be presented to his Majesty. It has,

[1] John Armitage, *The History of Brazil . . .*, II, 221–229.

moreover, appeared to me, that the statement ought to be presented in the name of the Junta de Fazenda, on account of its being the tribunal entrusted with the administration of this object. Not only, however, has the above-mentioned Secretary prevented this being done, but, by his idleness and the confused manner in which he keeps his accounts, he has been more than a year and a half in drawing out the accounts of the expenditure, since the commencement of the war, of the revenue during this time, of what we owe, and of what we are owing by the other Captaincies, according to what they ought to remit us, in conformity with the royal orders. Indispensable as is all this, I could never cause him to do it.

From what I have had the honour to say to your Excellency, you must perceive that I could not adhere to any fixed system; yet my chief objects were the preservation of the people in tranquillity and obedience, the promotion of their good, the arousing them from idleness, and the promotion of the interests of His Majesty; and, although I could never do what I wished from a want of means, I succeeded to a certain extent. I promoted the tranquillity and obedience of the people by the means already indicated; I promoted their good by forcibly compelling them to plant those products which are chiefly necessary for subsistence, such as maize and pulse; *I threatened to take away their lands from them, unless they cultivated them diligently;* I compelled the Colonels of Militia to give in exact statements on this matter, and thus led to a great increase both of these productions and of sugar. I promoted the culture of rice, and induced various merchants to assist and animate the labourers planters; in consequence, this article, which it was a short time ago necessary to purchase in Europe, is now so abundant that it is exported. I also forcibly compelled them to plant a portion of indigo, which was a shrub which grew uselessly in the forests, and for which nobody cared; and at the same time while I obliged them to cultivate it, I caused others to prepare the plant, paying them, however, for the indigo when prepared. In this manner I gave a material impulse to the cultivation of a new branch of commerce; but as it was a product little known, the merchants were afraid to purchase it, and as they offered but very low prices to the cultivators, it again retrograded. I stated all this to the Court, and His Majesty was pleased to order the quality of the indigo to be examined and divided into three classes, on each of which there

was to be an established price, and that the whole should be purchased by the royal Treasury at the established rates, and no private individuals permitted to purchase the article. This was accordingly done; but I found that the expense might often exceed the resources of the Treasury, and the payments to the cultivators might thus be delayed, and the culture retarded. I also recollected that when people are obliged to dispose of an article to the royal Treasury, at stipulated prices, they always feel irritated, from a belief that they could obtain more from private individuals, and this might also be an inducement to abandon its cultivation. On this account, I represented to His Majesty, that it appeared to me that it would be well for the royal Treasury to make purchases; but that I should also recommend the cultivators to be left at liberty to make the best bargains possible with private individuals. They would thus be guaranteed from loss, since, when no private purchasers were found, the royal Treasury would pay them at established prices. My anticipations were verified; for, as the royal Treasury was straitened for means, payments to the cultivators were often delayed, without my being aware of it. Some merchants also induced them to believe that they could give them higher prices, and the result was so much vexation, that more than thirty cultivators abandoned this branch of industry altogether, and others prepared to follow their example.

It appeared to me that, until I received an answer to my representation, I ought to permit some merchants to make purchases, not, however, permitting that this should be done without my consent. They thus immediately began to purchase at higher rates than the Treasury, and the cultivators were encouraged to proceed; but those who had abandoned the business did not return to it. The merchants sent the indigo which they had purchased to Lisbon; but as it there came into competition with a quantity found in some prize vessels taken from the Spaniards, the price fell very much, and a remunerating rate could no longer be given. Finally, the last resolution of the Court arrived, whereby His Majesty gave the cultivators permission either to dispose of it to whom they thought proper, or to export it on their own account, and appointed, also, certain stipulated prices to be paid for it at the royal Treasury. I published a proclamation to this effect, and stated, that henceforward all cultivators would be reimbursed without the slightest delay, and that I myself would

provide funds for the object. The consequence was, that not only was a large quantity bought, but the merchants again began to buy, and the cultivators, in some instances, proceeded to export the article on their own account. It is only thus, that commerce and agriculture can be promoted in these dominions. Unless the Sovereign encourage and indemnify the cultivators, nothing can be done; but your Excellency must be aware that these succours, far from being prejudicial to the interests of His Majesty, on the contrary, contribute to an increase of revenue.

About the same period, an individual named Joaõ Opmam brought under my notice, a plant called Guaxima, capable of making excellent cordage and cables. It appeared to me, that this might be of the greatest utility, and I resolved on commencing a series of experiments, which have answered as well as could be anticipated. In the first instance, cables were made, but the plant was cut in the wrong season, and prepared by unskilful and ignorant individuals, and the cable-makers neither knew how to twist the thread nor to pitch it. I nevertheless caused some of them to be used in the vessels of the squadron, where they were found almost, if not quite as good, as those of hemp. I gave an account of this discovery to the Court, and, by order of His Majesty, some lengths of this rope were made for comparison with the cordage of Riga. It cannot, however, excite surprise that this cordage, the preparation of which was not understood, should have been found inferior to that of Riga, which is superior to all other qualities known, therefore, in order to make a fair comparison, I ordered a rope to be bought in one of the shops in the city, and the strength of it tried with one of Guaxima, and as your Excellency was present during the experiment, you will recollect what was the result. Previous to this, I had ordered the cultivation of the plant and had constructed a ropewalk. The cultivators of the plant I paid at so much an arroba, and charged Joaõ Opmam to receive it, and to pay them from funds furnished by the Royal Treasury. In the meantime I occupied him in making cordage for the public service, in which he has since been employed without any wages or other recompense. I have permitted him to make and sell cordage to private individuals; but as he is very poor, he requires further encouragement, or the establishment must be abandoned. In consequence of the experiments made with these ropes, and those of Riga, the Court has decided in favor of the latter; yet, in the absence

of a total prohibition, I have continued to promote the cultivation and production of the former, considering that, even in case of its inferiority, it may answer for ordinary purposes and in small vessels. The culture of this plant does not interfere with that of hemp. I have endeavoured to establish hemp also, but I had difficulty in procuring the seed, which I at last obtained in a casual manner from a French vessel, and which I ordered to be sowed with great care. The birds destroyed the greater part of the crop, but some seed was retained, and I sent it to the island of St. Catharine to be planted. At the time when the Spaniards invaded that island there were hopes of a plentiful crop, but all my hopes were frustrated. Having, however, heard, after the restitution of the island, that some persons had had the curiosity to preserve the seed, I ordered them to plant it again, in hope of realizing my former plans. I ought to inform your Excellency, that not only are there excellent situations for these plantations on the island of St. Catharine, but also in Rio Grande, Campos dos Goitacazes, and some places in the vicinity of the city, such as Santa Cruz.

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The good success of mulberry-trees in America induced me to make a plantation of them, and with great exertion I obtained silk-worms from Europe, which have multiplied abundantly.[1] Some silk has been made, but my efforts to hit upon the best plan of raising the worm have been in vain. As this country has a similar climate to Asia, where the silk-worm succeeds, I have written there for instructions as to its treatment, but have not yet received an answer. When it arrives it will be placed in the hands of your Excellency. Francisco Xavier is at present entrusted with the mulberry plantation, and the care of the silk-worms, and from him all the information which your Excellency may require can be obtained.

From all the districts I have sent for timbers, oils, balsams, gums, and shrubs, which I have transmitted to the Court, in order that their virtues might be ascertained, and commerce promoted. The Minister of State informed me that many have already been examined, and some excellent dyes have been found amongst them; but, ere they had written to me explicitly on this point, the news arrived of my having the felicity to be substituted by your Excellency, and I therefore suspended all my measures under the certainty that your

[1] John Armitage, *The History of Brazil . . .*, II, 231–232.

Excellency would act much more judiciously than I could. Such are the particulars of several of the plans which I attempted to carry into execution.

My self-love does not blind me to the point of inducing me to defend all my resolutions as judicious; I did what I could, and what my limited talents permitted me, and I never omitted any labours which appeared likely to prevent my falling into error. Your Excellency will act with more discretion, and, by correcting my imperfections and mistakes, will bring about that felicity of the people which I have ever desired, and still desire.

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In the last place, it is necessary that I speak to your Excellency regarding the conclusion of the treaty, which I ordered to be executed on receipt of the last orders from the Court.[1] I named Jozé Marcelino as first Commissioner, and of this I informed the Spanish general. I named as Commissioner to take account of the prisoners, military stores, provisions and effects appertaining to His Majesty and his vassals, and taken by the Spaniards during the interim elapsing from the date of the Treaty of Paris in 1763 to the present time, — Lieutenant-Colonel Vicente Jozé de Velasco Molina, and as his substitute Major Pedro de Silva. I requested from the General of Buenos Ayres, a counter-nomination, but as it was his object to delay the conclusion of the treaty, although it is far from being disadvantageous to him, he has evinced much bad faith and insincerity, procrastinating as much as possible, yet pretending that the delay occasioned was much against his inclination, in the face of evidence to the contrary. This your Excellency will see evinced in despatches and papers of Velasco, and the replies to them. With regard, however, to the demarcation of limits, nothing can be done at present from a want of means. In the first place, the instruments necessary for the operation are wanting, and, secondly, geographers are wanting to be divided and sub-divided into different companies. Many doubts will necessarily arise on account of the incorrectness of maps, and the formation of establishments in the interior will be necessary for the sustenance of the individuals employed. Your Excellency will perceive that I was devoid of all the necessary and indispensable means for the object: *all that I could do was to nominate Jozé Marcelino as my first Commissioner, which nomination I made rather to satisfy the Spaniards in appearance,*

[1] John Armitage, *The History of Brazil . . .*, II, 240–242.

than with the idea of availing myself of his services. His pride and his incapacity alone unfit him for any office wherein sincerity is required, and his interference could lead only to continual doubts, discord, and embarrassment. Engineers and instruments are also wanting, and I was supplied only with orders from the Government. The opinion of Francisco Joaõ Rocio regarding the demarcation appears to me extremely correct, and I should recommend both him and the Colonel Rafael Pinto Bandeira to be employed on occasion of the demarcation. The latter is in fact so well versed in the geography of the country, that he may be said to have the map of it in his head. By means of these two men, the Court may be assured that all doubts will be resolved, while unless they be employed, difficulties will arise, time and money will be thrown away, and our sincerity will be distrusted.

What I have had the honour of repeating to your Excellency in the foregoing document, is what appears to me most essential regarding the present state of the Government, and regarding also what I have done. All my errors your Excellency will amend, with that wisdom and prudence which is characteristic of your distinguished talents, and thus will the people under your charge be enabled to enjoy all the good fortune possible, and your Excellency all the glory which I desire.

May God guard your Excellency.

(Signed) MARQUIS DE LAVRADIO

Rio de Janeiro,
19*th of June*, 1779.

56. POLITICAL CONDITIONS OF THE PROVINCE OF LOUISIANA, DESCRIBED BY COLONEL DON MANUEL GAYOSO DE LEMOS, GOVERNOR OF THE PLACE AND DISTRICTS OF NATCHEZ[1]

[Natchez, July 5, 1792. James Alexander Robertson, *Louisiana under the Rule of Spain, France, and the United States, 1785–1807*, I, 280–283, 287–288.]

The original of the report of the governor of the province of Louisiana is in the Archivo de Indias, Seville, in the *Papeles procedentes de la Isla de Cuba, Estados del Misisipi*, No. 313. "The most obvious fact," declared Dr. Robertson, the trans-

[1] Reprinted by permission of the publishers, The Arthur H. Clark Company of Cleveland, from *Louisiana under the Rule of Spain, France, and the United States.* Cleveland, 1911.

lator, "aside from the importance, politically and materially, of the transfer of Louisiana, is the hysteria that seems to have struck deep root into the very web and woof of Spanish officialdom — a hysteria lest the aggressive Americans deprive Spain of its choicest colonies, Mexico and Peru, whence flowed the wealth of the Indies in a silver stream to the mother country. It was a hysteria that was by no means feigned, but which was ever present to Spanish officials in America. This hysteria, dating from the very beginning of America, or possibly an inheritance from fear of the English, and the impetus of Spanish intrigue and attempt for many years, could not but be increased by the illegal transfer of Louisiana by France to the United States. It is discernible in the Spanish protests to both those countries, and in Spanish machinations among the Indian tribes. To isolate their frontiers from the dangers of possible invasion, and to prevent all foreign traders from entering their territory or the contiguous territory over which they had only indirect control: these had dictated Spanish policy for some decades, and had been the dream of Spanish officials. They set themselves squarely against commercial development, since that development seemed to them to point away from Spanish interests. The aggressiveness of the Americans, in regard to the navigation of the Mississippi and their arrogant overrunning of New Orleans and its vicinity, could do no less than intensify a fear already at fever point. Consequently, in the transfer of Louisiana and the approach of the Americans to their Mexican frontiers, they saw only the ruin of all the Spanish colonies of the Americas and the end of their wonderful sovereignty over the Indies of the western continent — a fear that was to some degree justified both by preceding and by subsequent events."[1] The excerpts from this document and those in the one immediately following will give proofs of the statements in this introductory note.

[1] *Louisiana under the Rule of Spain, France, and the United States, 1785–1807*, I, 17–18.

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The United States of America offer us two matters against which we must equally be prepared. The first is the body of that nation which is submissive to the government. They will regulate their conduct in accordance with and with the knowledge of our court, and will produce their complaints or pretensions ministerially before taking sides. But in the midst of that nation there is a second illegal and unauthorized power, although it is perhaps tolerated by congress. We must be distrustful of this and be continually on our guard against its proceedings. It is the private association of persons who are nourishing new projects. They are proposing to found new and independent settlements at their own cost. Such are the companies of North and South Carolina on the Yazoo and of Virginia on the Tennessee. For two years or so the first has been making the most active efforts to realize its project of establishing a formidable settlement in the vicinity of the Yazoo, and have been casting their glances on a part of the king's territory in this district under my charge, and especially upon Nogales. Although this latter district was part of the English domain and was ceded to Spain in general terms with both Floridas (since it belonged to West Florida), it was declared by the Choctaw and Chickasaw nations to belong rightfully to them. They alleged that although they had sold it to the English, the latter had not fulfilled their promises in regard to it. They only declared that claim to me when they saw me building a fort in the above named district of Nogales, at the time when Doctor O'Fallon, general agent of the Company of South Carolina was collecting forces in Kentucky for the purpose of seizing the territory from Nogales to the north shore of Coles Creek in the middle of this government. By my prompt settlement in Nogales, the operations of O'Fallon were restrained, and were completely destroyed by a decree of the president of congress — perhaps so that the latter might not be compromised if the members of the company made any demonstration against a military establishment of ours. Notwithstanding that on one side I had assured that part of the king's domains against the attempts of the Anglo-Americans, I beheld myself to be compromised with the Choctaw and Chickasaw nations whose friendship it was necessary to preserve at any cost. But it was not advisable either to show weakness by yielding easily to their demands; for if we submitted in this district, they

would not rest until they had altogether driven us from the lands now forming this government, and which they would afterwards perhaps cede to the Anglo-Americans. The latter would form another independent state from this territory, which would be more harmful to us than the United States themselves, because of its proximity to the kingdom of Mexico. And they would assuredly open a navigation by the mouth of this river to the Gulf of Mexico. Therefore I continued to prosecute a delicate negotiation with the above-mentioned Indian nations that lasted a year. In that interval I was disagreeably compromised by receiving a positive order from the captain general of these provinces to abandon the fort of Nogales. But since at the same time I had received a royal order, by which I understood the obligation of his Majesty to retain the lands for which he was treating, and besides being on the ground and having reasons (which it was impossible for the captain general to conceive at the distance at which he was) I resolved to continue the fortifications and to complete my negotiations to the point of concluding the treaty of which I enclose a copy. By this treaty will be terminated all the great fears which the dispute in question caused us, for at the same time it makes more remote the possibility of any settlement by the United States in this vicinity.

Besides the above-mentioned companies, there is reason to suspect that at the present time an intrigue is afoot among persons of consideration in the island of Providence [*Providencia*], Canada, the United States on the Atlantic, and the western country of the same states, with the rash end of seizing Louisiana and making an independent state by setting against us the Indian nations under our protection. One of the principal agents was a fellow named Bowles who already had a great following among the Creek nation and who was apprehended in Apalache by order of Baron de Carondelet, governor of this province, and sent to Havana, whence he was sent to that court. That event has truly greatly changed the progress of that plan. However, it is all important to keep close watch on their operations, for they may be continued by means of the companies.

The United States are at present raising a considerable army in Kentucky, which to all appearances is designed to prosecute the war against the Indians who are greatly harassing them. But it may also be that under this pretext they desire to have ready a considerable force to give more authority to their demands for the navigation of

this river and the boundaries between the two nations. It may also happen that it could be employed to seize the posts of which the English still retain possession, and which, according to the treaty of peace, ought already to have been surrendered to the United States.

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The United States of America have announced their political intentions, so far as regards the navigation of this river, as is seen by their manifesto and by the negotiations which they are at present discussing at that court. It appears almost indispensable to allow them some mercantile advantages, but it would not be advisable that it be the free navigation of this river. I can almost assert that the Atlantic States will cease their demands, if they be granted some trade advantages by sea, such as permitting them to deposit their products in Cadiz, in order to enable them to reship them to their kingdoms by paying only a light duty in recognition of the territorial dominion, and if they be permitted to carry provisions to Havana and New Orleans.

But Kentucky [*Kentucki*] and the rest of the western country whose interests are entirely opposed to the other states, would think differently: "Nothing can satisfy us but the navigation of this river"; and in order to keep them quiet it will be necessary for us to grant it them in part, but not as a part of the United States. Our policy would be to negotiate secretly with the western people, their entire separation from the other states, and after that is done, although [they should be left] independent, that they should be placed under his Majesty's protection; and then to grant them mercantile advantages by means of the navigation of this river as far as New Orleans, where they would be permitted to have a factory with a consul at its head. However, they would pay a small duty, which would amount to a considerable sum through the many who would go there. Even if the independence of Kentucky is not attained, this appears to be the form in which the navigation of this river is to be granted to the United States if it cannot be avoided.

This essential commercial point having been established, we have absolutely nothing to fear from the United States, nor of those people who have originated from there and who are now actual inhabitants of this province; and consequently, nothing to fear from the Indians, since it would be no longer of interest to the Anglo-Americans to excite them against us.

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57. Military Report of Louisiana and West Florida[1]

[New Orleans, November 24, 1794. James Alexander Robertson, *Louisiana under the Rule of Spain, France, and the United States, 1785–1807*, I, 295–300, 304–305.]

The following report was made by Baron de Carondelet, governor of Louisiana. The original is found in the Archivo de Indias, Seville, in the *Papeles procedentes de la Isla de Cuba, Estados del Misisipi*, No. 34. See the introductory note to the preceding document.

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Supposing that Louisiana extended no farther than the Missouri, it would be sufficient to glance at the map in order to recognize its importance with respect to the preservation of the internal provinces of Nueva España and the kingdom of Mexico [*Megico*], which the Mississippi and Missouri Rivers encircle from the gulf almost to the South Sea. At least from the relations of various traders and travelers, who have lately entered by way of the Missouri among savage nations of whom we have scarcely any information, it must be inferred that that mighty river, which is navigable in all parts, takes its rise a short distance from a very lofty chain of mountains not more than forty leagues from the South Sea. It is even inferred that another large navigable river is found at the foot of the same mountains, which empties into the above mentioned sea.[2] I trust that information in regard to this particular river will soon be extended by means of the efforts of the company of discovery which has just been formed at *St. Louis des Illinois* [*San Luis de Ylinoia*],[3] and the reward which I have promised to him who penetrates to the above mentioned sea by way of the Missouri, and brings back definite information of its location, and the strength of the Russian settlements in case that they are near that part of the coast.

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At the time of the cession, and while the English preserved their dominion over what now constitutes the United States of America,

[1] Reprinted by permission of the publishers, The Arthur H. Clark Company of Cleveland, from *Louisiana under the Rule of Spain, France, and the United States*. Cleveland, 1911.

[2] The Colombia River.

[3] The articles of this company for the exploration of the Missouri and other documents concerning the company are published in Houck's *Spanish Régime*.

Louisiana did not especially attract the attention of the Spanish government, for the English, satisfied with the numerous countries that they possessed on this continent, as well as with the lucrative contraband trade which the navigation of the Mississippi and on the lakes as far as their settlements of Manchak, Baton Rouge, and Natchez, permitted them, never thought of penetrating into the interior provinces, and by their industry and contraband trade the province was kept in the same state of languor and poverty as before, so that its subsidy did not exceed one hundred and fifteen thousand pesos.

The revolution of North America and the conquest of the forts of Manchak, Baton Rouge, Natchez, Mobile [*Movila*], and Pensacola [*Penzacola*] entirely changed the order of things on this continent.[1] At the peace, Spain acquired an immense country, so that from *St. Louis des Illinois* to the end of Florida, they reckoned more than six hundred and ninety-two leagues; a territory in Louisiana, rich, fertile, and watered by numberless navigable rivers which empty into the sea, and consequently susceptible of a very great cultivation and commerce. Indigo of a quality inferior to that of Guatemala but superior to that of Caracas, cotton, excellent although somewhat short, sugar cane for making molasses, rice of a superior quality, maize, masts, and timber are the products of Lower Louisiana [*Luisiana baja*]. Wheat, enough with time to support our islands, tobacco, equal to that of Virginia, maize, barley, salt meat, the richest of furs in plenty, and lead mines at the very surface of the earth are the products of Upper Louisiana [*Luisiana alta*]. The population of both is now about forty thousand industrious, warlike people, for whose trade and nourishment, already one hundred vessels per year are not sufficient.

So many advantages are counterbalanced by the unmeasured ambitions of a new and vigorous people, hostile to all subjection, advancing and multiplying in the silence of peace and almost unknown, with a prodigious rapidity, ever since the independence of the United States was recognized until now. Their beginnings were those warriors to whom the United States distributed the uncultivated lands of Kentucky and the southern shore of the Ohio, as a reward for their services during the war of independence. The fertility of their lands,

[1] By Bernardo de Gálvez. See page 245, note 118, in the work by Dr. James A. Robertson from which these excerpts are taken.

the beauty of the climate, the easy navigation of the Ohio and the Mississippi, the spirit of insubordination and the revolutions of Europe attracted so many peoples to Kentucky and west of the Alleghany and Appalachian Mountains, that the vast territory which was a wilderness in the year 1780 already comprehends three states and various settlements whose total population exceeds fifty thousand souls capable of bearing arms, and is being increased annually by more than ten thousand emigrants from Europe.

This prestigious and restless population, continually forcing the Indian nations backward and upon us, is attempting to get possession of all the vast continent which those nations are occupying between the Ohio and Mississippi Rivers and the Gulf of Mexico and the Appalachian Mountains, thus becoming our neighbors; at the same time that they are demanding with threats the free navigation of the Mississippi. If they obtain their purpose, their ambition will not be limited to this part of the Mississippi. Their writings, public papers, and speeches, all have as their object the navigation to the Gulf by the Mississippi, Mobile, Pearl [*Perla*], and Appalachicola Rivers, which empty into the gulf; and the rich fur trade of the Missouri. And in time they will demand the possession of the rich mines of the interior provinces of the very kingdom of Mexico [*Megico*]. Their method of spreading themselves and their policy are so much to be feared by Spain as are their arms. Every new settlement, when it reaches thirty thousand souls, forms a state, which is united to the United States so far as regards mutual protection, but which governs itself and imposes its own laws. The wandering spirit and ease, with which those people procure their sustenance and shelter, quickly form new settlements. A carbine and a little maize in a sack are enough for an American to wander about the forests alone for a whole month. With his carbine, he kills the wild cattle and deer for food and defends himself from the savages. The maize dampened serves him in lieu of bread. With some tree trunks crossed one above the other, in the shape of a square, he raises a house, and even a fort that is impregnable to the savages by crossing a story above the ground floor. The cold does not affright him. When a family tires of one location, it moves to another, and there it settles with the same ease. Thus in about eight years the settlement of Cumberland has been formed, which is now about to be created into a state.

If such men succeed in occupying the shores of the Mississippi or of

the Missouri, or to obtain their navigation, there is, beyond doubt, nothing that can prevent them from crossing those rivers and penetrating into our provinces on the other side. Since those provinces are in great measure wilderness, no obstacle can be opposed to them. But, although they should not prove an obstacle, who can be certain that their few inhabitants will not gladly and eagerly join certain men who by offering them help, and the protection to make themselves independent, to govern themselves, and to impose their own laws will flatter them with the spirit of liberty and with a free, extensive, lucrative commerce, etc.? A general revolution, in my opinion, threatens Spain in America, unless it apply a powerful and speedy remedy. I know that once involved in a war so grievous, that object, withal so important, can be ill attended to; but since the evil is still in its beginning, I consider that a provisional remedy can be applied which will remove the effects of the damage until less troublous times permit it to be radically cured.

I have shown incontestably in several secret despatches addressed to his Excellency, the duke of Alcudia, that the whole power of the Atlantic States is insufficient to subject those of the west, who are determined to procure by force the navigation of the Mississippi and to separate from the former, in case they try to oppose their purpose, and to declare themselves independent or to unite with Canada. I have shown the moral impossibility of Spain's being able to attack the Kentuckians and other western settlements in their own country. But at the same time I have proposed the means of sheltering Louisiana from their purposes and of devastating all their possessions by means of our allies, the Choctaw [*Chactas*], Chickasaw [*Chicachas*], Creek [*Criks*], and Cherokee [*Cheroquies*] nations, who fearful of the usurpations of the Americans, will be disposed to make the most destructive war on them whenever incited by presents and arms.

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He who can obtain from the Chickasaw nation a piece of land sufficient to erect a fort on the bluff located between the Casas and Carondelet Rivers[1] will unquestionably be the master of the navigation of

[1] The Spaniards finally obtained a treaty with the Indians, ceding the fourth of the Chickasaw Bluffs. This treaty was negotiated by Gayoso de Lemos. The Casas and Carondelet Rivers are the Chickasaw and Wolf Rivers. A map of the region covered by the treaty is among the transcripts in the Department of Archives and History of Mississippi.

the Mississippi River from New Madrid to Nogales. If hope is taken from the Americans of obtaining that settlement projected long ago by them (since they proceeded to mark it out formerly and spared no expense to gain the goodwill of the nation), it is clear that they will not find a site suitable for a port along all the east bank from the Ohio to Nogales, as all of that bank is under water at the time of high water on the Mississippi. The Chickasaw nation, more jealous than any other of the possession of its lands, recognizes the importance of Ecores à Margot, but a goodly present, tactfully made and in time might surprise their consent. Consequently, I am of the opinion that the sacrifice of thirty thousand pesos would not be excessive to obtain that end and take away forever from the Americans all hope of preserving a port on the Mississippi.

A regular fort at Ecores à Margot, capable of holding a garrison of one hundred men, which could be supplied from the Battalion of New Madrid, would cost, considering the distance, with all its buildings, another thirty thousand pesos.

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IMPRESSIONS OF THE OLD RÉGIME IN HISPANIC AMERICA

58. A Voyage to South America

[1735–1746. Don Jorge Juan and Don Antonio de Ulloa, *A Voyage to South America: Describing at Large, the Spanish Cities, Towns, Provinces, etc., on that Extensive Continent, the Genius, Customs, Manners, and Trade of the Inhabitants: Together with the Natural History of the Country, and an Account of their Gold and Silver Mines*, I and II. Second Edition. Published by Alexander Ewing, Dublin, 1765.]

With the aid of Louis XV a group of French scientists organized an expedition to Quito in the Indies. The purpose was to "measure some degrees of the meridian near the equator; and (as was done with great propriety after our departure) by measuring other degrees under the polar circle, in order to form a judgment of the different parts of its circumference, by their equality or inequality, and from thence to determine its magnitude and figure."[1] Philip V of Spain gave permission for the expedition to enter the Indies and accepted the invitation of Louis XV to appoint representatives from the Royal Academy of Spain to accompany it to Quito. He chose Don Jorge Juan and Don Antonio de Ulloa, members of the Royal Academy and of his navy. Both men were learned in the sciences. They were given commissions "as lieutenants of men of war," and sailed from Cadiz Bay on May 26–28, 1735, Don Jorge sailing on the *Conquistador* and Don Antonio on the *Incendio*. The expedition arrived at Carthagena on July 9, but did not proceed to Quito until November 24 owing to the delay in the arrival of the French expedition. The two men made a detailed study of the general conditions in several parts of the viceroyalties of New Granada and Peru. Don Jorge arrived in France in 1745, and

[1] Juan and Ulloa, *A Voyage to South America . . .*, I, 22.

Don Antonio in Spain in 1746. "The arrangement and composition of his [Don Antonio's] travels," declared St. John, "occupied his whole attention during the two following years, and in 1748 his great work on South America, by which he will be advantageously known to posterity, was published by the order and at the expense of the government. When this was accomplished, he travelled by order of the King over a considerable portion of Europe, collecting during his journey knowledge useful both to the state and to the nation. As a reward for his services, he was appointed superintendent of the mercury mine at Guancavelica in Peru; but this did not altogether answer his expectations. In the reign of Charles III. he was promoted to the rank of commodore of a squadron, and was entrusted with the command of the fleet of the Indies. In 1762 Ulloa was commissioned to take possession of Louisiana, which had been recently ceded to Spain, and was at the same time appointed governor; but met with so much resistance on the part of the colonists, who disliked the change, that he was compelled to re-embark. The remainder of his life was spent in honourable offices and in literary and scientific labours, by which he acquired a high degree of well-merited reputation. He died on the Isle of Leon, on the 3d of July, 1795, in the eightieth year of his age."[1] Don Antonio also wrote the *Memorias secretas* ("Secret Memoirs"), which were published after his death.

A. THE TRADE OF PORTO BELLO[2]

The Town of Porto Bello, so thinly inhabited, by reason of its noxious air, the scarcity of provisions, and the barrenness of its soil, becomes at the time of the galleons, one of the most populous places in all South America. Its situation on the isthmus betwixt the south and the north seas, the goodness of its harbours, its small distance from Panama, have given it the preference for the rendezvous of the joint commerce of Spain and Peru, at its fair.

[1] James Augustus St. John, *The Lives of Celebrated Travellers*, 337–338.
[2] Juan and Ulloa, *A Voyage to South America*, I, 93–95.

On advice being received at Carthagena, that the Peru fleet had unloaded at Panama, the galleons make the best of their way to Porto Bello, in order to avoid the distempers which have their source from idleness. The concourse of people on this occasion is such as to raise the rent of lodging to an excessive degree; a middling chamber, with a closet, lets, during the fair, for a thousand crowns, and some large houses for four, five, or six thousand.

The ships are no sooner moored in the harbour, than the first work is, to erect, in the square, a tent made of the ship's sails, for receiving its cargo; at which the proprietors of the goods are present, in order to find their bales, by the marks which distinguish them. These bales are drawn on sledges, to their respective places, by the crew of every ship, and the money given them is proportionally divided.

Whilst the seamen and European traders are thus employed, the land is covered with droves of mules from Panama, each drove consisting of above an hundred, loaded with chests of gold and silver, on account of the merchants of Peru. Some unload them at the exchange, others in the middle of the square; yet, amidst the hurry and confusion of such crowds, no theft, loss, or disturbance, is ever known. He who has seen this place during the tiempo muerto, or dead time, solitary, poor, and a perpetual silence reigning every where; the harbour quite empty, and every place wearing a melancholy aspect, must be filled with astonishment at the sudden change, to see the bustling multitudes, every house crowded, the square and streets encumbered with bales and chests of gold and silver of all kinds; the harbour full of ships and vessels, some bringing by the way of Rio de Chape the goods of Peru; as cacao, quinquina or jesuits bark, Vicuna wool, and bezoar stones; others coming from Carthagena, loaded with provisions: and thus a spot, at all other times detested for its deleterious qualities, becomes the staple of the riches of the old and new world, and the scene of one of the most considerable branches of commerce in the whole earth.

The ships being unloaded, and the merchants of Peru, together with the president of Panama, arrived, the fair comes under deliberation. And for this purpose the deputies of the several parties repair on board the commodore of the galleons, where, in presence of the commodore, and the president of Panama; the former, as patron of the Europeans, and the latter, of the Peruvians; the prices of the

several kinds of merchandises are settled; and all preliminaries being adjusted in three or four meetings, the contracts are signed, and made public, that every one may conform himself to them in the sale of his effects. Thus all fraud is precluded. The purchases and sales, as likewise the exchanges of money, are transacted by brokers, both from Spain and Peru. After this, every one begins to dispose of his goods; the Spanish brokers embarking their chests of money, and those of Peru sending away the goods they have purchased, in vessels called chatas and bongos, up the river Chagre. And thus the fair of Porto Bello ends.

Formerly this fair was limited to no particular time; but as a long stay, in such a sickly place, extremely affected the health of the traders, his catholic majesty transmitted an order, that the fair should not last above forty days, reckoning from that in which the ships came to an anchor in the harbour; and that, if in this space of time the merchants could not agree in their rates, those of Spain should be allowed to carry their goods up the country to Peru; and accordingly the commodore of the galleons has orders to re-embark them, and return to Carthagena; but otherwise, by virtue of a compact between the merchants of both kingdoms, and ratified by the king, no Spanish trader is to send his goods, on his own account, beyond Porto Bello: and, on the contrary, those of Peru cannot send remittances to Spain, for purchasing goods there.

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B. DESCRIPTION OF THE CITY OF LIMA

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The city of Lima, or as it is called the city of kings, was, according to Garcilasso, in his history of the Yncas, founded by Don Francisco Pizarro, on the feast of Epiphany, 1535; though others affirm that the first stone was not laid till the 18th of January of that year; and the latter opinion is confirmed by the act of its foundation, still preserved in the archives of that city.[1] It is situated in the spacious and delightful valley of Rimac, an Indian word, and the true name of the city itself, from a corrupt pronunciation of which word the Spaniards have derived Lima. Rimac is the name by which both the valley and the river are still called. This appellation is derived from an idol to

[1] Juan and Ulloa, *A Voyage to South America*, II, 31–34.

which the native Indians used to offer sacrifice, as did also the Yncas, after they had extended their empire hither; and as it was supposed to return answer to the prayers addressed to it, they called it by way of distinction Rimac, or, he who speaks. Lima, according to several observations we made for that purpose, stands in the latitude of 12° 2′ 31″ S. and its longitude from the meridian of Teneriffe is 299° 27′ 7⅔″. The variation of the needle is 9° 2′ 30″ easterly.

Its situation is one of the most advantageous that can be imagined; for being in the centre of that spacious valley, it commands the whole without any difficulty. Northward, though at a considerable distance, is the cordillera, or chain of the Andes; from whence some hills project into the valley, the nearest of which to the city are those of St. Christopher, and Amancaes. The perpendicular height of the former, according to a geometrical mensuration performed by Don George Juan, and M. de la Condamine in 1737, is 134 toises; but father Fevillée makes it 136 toises and one foot, which difference doubtless proceeds from not having measured with equal exactness, the base on which both founded their calculations. The height of the Amancaes, is little less than the former, and situated about a quarter of a league from the city.

The river, which is of the same name, washes the walls of Lima, and when not increased by the torrents from the mountains is easily forded; but at other times, besides the increase of its breadth, its depth and rapidity render fording impossible; and accordingly a very elegant and spacious stone bridge is built over it, having at one end a gate, the beautiful architecture over which is equal to the other parts of this useful structure. This gate forms the entrance into the city, and leads to the grand square, which is very large and finely ornamented. In the centre is a fountain, equally remarkable for its grandeur and capacity. In the centre is a bronze statue of Fame, and on the angles are four small basons. The water is ejected through the trumpet of the statue, and also through the mouths of eight lions which surround it, and greatly heighten the beauty of this work. The east side of the square is filled by the cathedral and the archiepiscopal place, whose height surpasses the other buildings in the city. Its principal foundations, and the bases of its columns and pilasters, together with the capital front which faces the west, are of freestone; the inside resembles that of Seville, but not so large. The outside is adorned with

a very magnificent façade or frontispiece, rising into two lofty towers, and in the centre is the grand portal. Round the whole runs a grand gallery, with a balustrade of wood, resembling brass in colour, and at proper distances are several pyramids, which greatly augment the magnificence of the structure. In the north side of the square is the vice-roy's palace, in which are the several courts of justice, together with the offices of revenue, and the state prison. This was formerly a very remarkable building, both with regard to its largeness and architecture, but the greatest part of it being thrown down by the dreadful earthquake with which the city was visited, Oct. 20th, 1687, it now consists only of some of the lower apartments erected on a terras, and is used as the residence of the vice-roy and his family.

On the west side which faces the cathedral, is the council-house, and the city prison; the south side is filled with private houses, having only one story; but the fronts being of stone, their uniformity, porticoes, and elegance, are a great embellishment to the square, each side of which is 80 toises.

The form of the city is triangular, the base, or longest side, extending along the banks of the river. Its length is 1920 toises, or exactly two-thirds of a league. Its greatest breadth from N. to S. that is, from the bridge to the angle opposite to the base, is 1080 toises, or two-fifths of a league. It is surrounded with a brick wall, which answers its original intention, but is without any manner of regularity. This work was begun and finished by the duke de la Plata in the year 1685. It is flanked with 34 bastions, but without platforms or embrasures; the intention of it being merely to inclose the city, and render it capable of sustaining any sudden attack of the Indians. It has, in its whole circumference, seven gates and three posterns.

On the side of the river opposite to the city is a suburb, called St. Lazaro, which has, within these few years, greatly increased. All the streets of this suburb, like those of the city, are broad, parallel, or at right angles, some running from N. to S. and others from E. to W. forming squares of houses, each 150 yards in front, the usual dimensions of all these quadras or squares in this country, whereas those of Quito are only 100. The streets are paved, and along them run streams of water, conducted from the river a little above the city; and being arched over contribute to its cleanliness, without the least inconveniency.

The houses, though for the most part low, are commodious, and make a good appearance. They are all of baxareque and quincha. They appear indeed to be composed of more solid materials, both with regard to the thickness of the principal walls, and the imitation of cornices on them; and that they may the better support themselves under the shocks of earthquakes, of which this city has had so many dreadful instances, the principal parts are of wood, mortised into the rafters of the roof, and those which serve for walls are lined both within and without with wild canes, and chaglias or osiers; so that the timber-work is totally inclosed. These osiers are plastered over with clay, and whitewashed, but the fronts are painted in imitation of free-stone. They afterwards add cornices and porticoes which are also painted as a stone colour. Thus the whole front imposes on the sight, and strangers suppose them to be built of those materials which they only imitate. The roofs are flat, and covered only so far as is necessary to keep out the wind and interrupt the rays of the sun. The pieces of timber, of which the roofs are formed, and which on the inside are decorated with elegant mouldings and other ornaments, are covered with clay to preserve them from the sun. This slender covering is sufficient, as no violent rains are ever known here. Thus the houses are in less danger than if built of more compact materials; for the whole building yields to the motions of the earthquakes, and the foundations which are connected with the several parts of the building follow the same motion; and by that means are not so easily thrown down.

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C. THE INHABITANTS OF LIMA[1]

Having, in our accounts of several towns through which we passed to Lima, included also the inhabitants, we shall observe the same rule with regard to Lima; for though amidst such an infinite variety of customs, there is always some resemblance between those of neighbouring people, yet the difference is also considerable, and no where more so than on this continent, where it doubtless arises from the great distance between the several towns; and, consequently, I may say, from the different geniuses and dispositions of the people. And

[1] Juan and Ulloa, *A Voyage to South America*, II, 48–50.

though Lima is the capital of the country, it will appear that it is not a model to other places, with regard to dress, customs, and manner of living.

The inhabitants of Lima are composed of whites, or Spaniards, Negroes, Indians, Mestizos, and other casts, proceeding from the mixture of all three.

The Spanish families are very numerous; Lima according to the lowest computation, containing sixteen or eighteen thousand whites. Among these are reckoned a third or fourth part of the most distinguished nobility of Peru; and many of these dignified with the stile of ancient or modern Castilians, among which are no less than 45 counts and marquises. The number of knights belonging to the several military orders is also very considerable. Besides these are many families no less respectable and living in equal splendour; particularly 24 gentlemen of large estates, but without titles, though most of them have ancient seats, a proof of the antiquity of their families. One of these traces, with undeniable certainty, his descent from the Yncas. The name of this family is Ampuero, so called from one of the Spanish commanders at the conquest of this country, who married a Coya, or daughter of the Ynca. To this family the kings of Spain have been pleased to grant several distinguishing honours and privileges, as marks of its great quality: and many of the most eminent families in the city have desired intermarriages with it. All those families live in a manner becoming their rank, having estates equal to their generous dispositions, keeping a great number of slaves and other domestics, and those who affect making the greatest figure have coaches, while others content themselves with calashes or chaises, which are here so common, that no family of any substance is without one. It must be owned that these carriages are more necessary here than in other cities, on account of the numberless droves of mules which continually pass through Lima, and cover the streets with their dung, which being soon dried by the sun and the wind, turns to a nauseous dust, scarce supportable to those who walk on foot. These chaises, which are drawn by a mule, and guided by a driver, have only two wheels, with two seats opposite to each other, so that on occasion they will hold four persons. They are very slight and airy; but on account of the gildings and other decorations, sometimes cost eight hundred or a thousand crowns. The number of them is said to amount to five or

six thousand; and that of coaches is also very considerable, though not equal to the former. The funds to support these expences, which in other parts would ruin families, are their large estates and plantations, civil and military employments, or commerce, which is here accounted no derogation to families of the greatest distinction; but by this commerce is not to be understood the buying and selling by retail or in shops, every one trading proportional to his character and substance. Hence families are preserved from those disasters too common in Spain, where titles are frequently found without a fortune capable of supporting their dignity. Commerce is so far from being considered as a disgrace at Lima, that the greatest fortunes have been raised by it; those on the contrary, being rather despised, who not being blessed with a sufficient estate, through indolence, neglect to have recourse to it for improving their fortunes. This custom, or resource, which was established there without any determinate end, being introduced by a vain desire of the first Spaniards to acquire wealth, is now the real support of that splendour in which those families live; and whatever repugnance these military gentlemen might originally have to commerce, it was immediately removed by a royal proclamation, by which it was declared that commerce in the Indies should not exclude from nobility or the military orders; a very wise measure, and of which Spain would be still more sensible, were it extended to all its dependencies.

At Lima, as at Quito, and all Spanish America, some of the eminent families have been long since settled there, whilst the prosperity of others is of a later date; for being the centre of the whole commerce of Peru, a greater number of Europeans resort to it, than to any other city; some for trade, and others from being invested in Spain with considerable employments: among both are persons of the greatest merit; and though many after they have finished their respective affairs, return home, yet the major part, induced by the fertility of the soil, and the goodness of the climate, remain at Lima, and marry young ladies remarkable equally for the gifts of fortune as those of nature; and thus new families are continually settled.

The Negroes, Mulattoes, and their descendants, form the greater number of the inhabitants; and of these are the greatest part of the mechanics; though here the Europeans also follow the same occupations, which are not at Lima reckoned disgraceful to them, as they

are at Quito; for gain being here the universal passion, the inhabitants pursue it by means of any trade, without regard to its being followed by Mulattoes, interest here preponderating against any other consideration.

The third, and last class of inhabitants, are the Indians and Mestizos, but these are very small in proportion to the largeness of the city, and the multitudes of the second class. They are employed in agriculture, in making earthenware, and bringing all kinds of provisions to market, domestick services being performed by Negroes and Mulattoes, either slaves or free, though generally by the former.

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D. THE PUBLIC ENTRANCE OF THE VICEROY AT LIMA, HIS RECEPTION, AND THE CHIEF ANNUAL SOLEMNITIES[1]

On the landing of the viceroy at Paita, two hundred and four leagues from Lima, he sends a person of great distinction, generally some officer of his retinue, to Lima, with the character of an ambassador; and, by a memoir, informs his predecessor of his arrival, in conformity to his majesty's orders, who had been pleased to confer on him the government of that kingdom. On this ambassador's arrival at Lima, the late viceroy sends a messenger to compliment him on his safe arrival; and on dismissing the ambassador, presents him with some jewel of great value, and a jurisdiction or two which happen at that time to be vacant, together with an indulgenc of officiating by deputy, if most agreeable to him. The corregidor of Piura receives the new viceroy at Paita, and provides litters, mules, and every other necessary for the viceroy and his retinue, as far as the next jurisdiction. He also orders booths to be built at the halting-places in the deserts; attends him in person, and defrays all the expences, till relieved by the next corregidor. Being at length arrived at Lima, he proceeds, as it were incognito, through the city to Callao, about two leagues and a half distant. In this place he is received and acknowledged by one of the ordinary alcaldes of Lima, appointed for that purpose, and also by the military officers. He is lodged in the viceroy's palace, which on this occasion is adorned with astonishing magnificence. The next day, all the courts, secular and ecclesiastical, wait

[1] Juan and Ulloa, *A Voyage to South America*, II, 43–48.

on him from Lima, and he receives them under a canopy in the following order. The audiencia, the chamber of accounts, the cathedral chapter, the magistracy, the consulado, the inquisition, the tribunal de Cruzada, the superiors of the religious orders, the colleges, and other persons of eminence. On this day the judges attend the viceroy to an entertainment given by the alcalde; and all persons of note take a pride in doing the like to his attendants. At night there is a play, to which the ladies are admitted veiled, and in their usual dress, to see the new viceroy.

The second day after his arrival at Callao, he goes in a coach provided for him by the city, to the chapel de la Legua, so called from its being about half-way between Callao and Lima, where he is met by the late viceroy, and both alighting from their coaches, the latter delivers to him a truncheon as the ensign of the government of the kingdom. After this, and the usual compliments, they separate.

If the new viceroy intends to make his public entry into Lima in a few days, he returns to Callao, where he stays till the day appointed; but as a longer space is generally allowed for the many preparatives necessary to such a ceremony, he continues his journey to Lima, and takes up his residence in his palace, the fitting up of which on this occasion is committed to the junior auditor, and the ordinary alcalde.

On the day of public entry, the streets are cleaned, and hung with tapestry, and magnificent triumphal arches erected at proper distances. At two in the afternoon the viceroy goes privately to the church belonging to the monastery of Montserrat, which is separated by an arch and a gate from the street, where the cavalcade is to begin. As soon as all who are to assist in the procession are assembled, the viceroy and his retinue mount on horses, provided by the city for this ceremony, and the gates being thrown open, the procession begins in the following order:

The militia; the colleges; the university with the professors in their proper habits; the chamber of accompts; the audiencia on horses with trappings; the magistracy, in crimson velvet robes, lined with brocade of the same colour, and a particular kind of caps on their heads, a dress only used on this occasion. Some members of the corporation who walk on foot, support the canopy over the viceroy; and the two ordinary alcaldes, which are in the same dress, and walk in the procession, act as equerries, holding the bridle of his horse. This part of the

ceremony, though prohibited by the laws of the Indians, is still performed in the manner I have described; for the custom being of great antiquity, the magistrates have not thought proper to alter it, that the respect to the viceroy might not suffer any diminution, and no person has yet ventured to be the first in refusing to comply with it.

This procession is of considerable length, the viceroy passing through several streets till he comes to the great square, in which the whole company draw up facing the cathedral, where he alights, and is received by the archbishop and chapter. Te Deum is then sung before the viceroy, and the officers placed in their respective seats; after which he again mounts his horse and proceeds to the palace-gate, where he is received by the audiencia, and conducted to an apartment in which a splendid collation is provided, as are also others for the nobility in the anti-chambers.

On the morning of the following day, he returns to the cathedral in his coach, with the retinue and pomp usual in solemn festivals, and public ceremonies. He is preceded by the whole troop of horse-guards, the members of the several tribunals in their coaches, and after them the viceroy himself with his family, the company of halberdiers bringing up the rear. On this occasion all the riches and ornaments of the church are displayed; the archbishop celebrates in his pontifical robes the mass of thanksgiving; and the sermon is preached by one of the best orators of the chapter. From hence the viceroy returns to the palace attended by all the nobility, who omit nothing to make a splendid figure on these occasions. In the evening of this, and the two following days, the collations are repeated, with all the plenty and delicacy imaginable. To increase the festivity, all women of credit have free access to the halls, galleries, and gardens of the palace, when they are fond of shewing the dispositions of their genius, either by the vivacity of repartees, or spirited conversations, in which they often silence strangers of very ready wit.

This shew and ceremony is succeeded by bull-feasts at the city's expence, which continue five days; the three first for the viceroy, and the two latter in compliment to the ambassador who brought advice of his arrival, and the great honour conferred on him by the sovereign in the government of this kingdom.

This ambassador, who, as I before observed, is always a person of eminent quality, makes also a public entrance into Lima on horseback

on the day of his arrival, and the nobility being informed of his approach, go out to receive and conduct him to the palace, from whence they carry him to the lodgings prepared for him. This ceremony used to be immediately followed by feasts and public diversions; but in order to avoid that inconvenience, just when the city is every where busied in preparing for the reception of the viceroy, they are deferred, and given at one and the same time as above recited.

The bull-feasts are succeeded by that ceremony, in which the university, the colleges, the convents and nunneries acknowledged him as their viceroyal protector. This is also accompanied with great splendour; and valuable prizes are bestowed on those who make the most ingenious compositions in his praise. These ceremonies, which greatly heighten the magnificence of this city, are so little known in Europe, that I shall be excused for enlarging on them.

They are begun by the university, and the rector prepares a poetical contest, adapted to display either the wit or learning of the competitors. After publishing the themes, and the prizes to be given to those who best handle the subjects they have chosen, he waits on the viceroy to know when he will be pleased to honour the university with his presence; and, the time being fixed, every part of the principal court is adorned with the utmost magnificence. The prizes which are placed in order distinguish themselves by their richness, while the pillars and columns are hung with emblematical devices, or pertinent apothegms on polished shields, surrounded by the most beautiful mouldings.

The reception is in the following order. On the viceroy's entering the court he is conducted to the rectorial chair, which, on this occasion, glitters with the magnificence of an Eastern throne. Opposite to it sits the rector, or, in his absence, one of the most eminent members of that learned body, who makes a speech, in which he expresses the satisfaction the whole university feels in such a patron. After this the viceroy returns to his palace, where, the day following, the rector presents him with a book, containing the poetical contest, bound in velvet, and plated at the corners with gold, accompanied with some elegant piece of furniture, whose value is never less than eight hundred or a thousand crowns.

The principal end of the university in this ceremony being to ingratiate itself with the viceroy and his family, the rector contrives that the poetical pieces which gain the prizes, be made in the name of the

principal persons of his family, and accordingly the most distinguished prizes are presented to them; and there being 12 subjects in the contest, there are three prizes for each, of which the two inferior fall to those members, whose compositions are most approved of. These prizes are pieces of plate, valuable both for their weight and workmanship.

The university is followed by the colleges of St. Philip and St. Martin, with the same ceremonies, except the poetical contest.

Next follow the religious orders, according to the antiquity of their foundation in the Indies. These present to the viceroy the best theses maintained by students at the public acts.

The viceroy is present at them all, and each disputant pays him some elegant compliment, before he enters on his subject.

The superiors of the nunneries send him their congratulatory compliments, and when he is pleased in return to visit them, they entertain him with a very fine concert of musick, of which the vocal parts are truly charming: and at his retiring they present him with some of the chief curiosities which their respective institutes allow to be made by them.

Besides these festivities and ceremonies, which are indeed the most remarkable; there are also others, some of which are annual, in which the riches and liberality of the inhabitants are no less conspicuous. Particularly on new-year's day, at the election of alcaldes, who being afterwards confirmed by the viceroy, appear publickly on horseback the same evening, and ride on each side of him, in very magnificent habits ornamented with jewels, and the furniture of their horses perfectly answerable. This cavalcade is very pompous, being preceded by the two companies of horse-guards, the halberdiers, followed by the members of the tribunals in their coaches, the viceroy's retinue, and the nobility of both sexes.

On twelfth-day in the morning, and the preceding evening, the viceroy rides on horseback through the town, with the royal standard carried in great pomp before him. This is performed in commemoration of the building of the city, which, as we have already observed, was begun on this day; solemn vespers are sung in the cathedral, and a mass celebrated; and the ceremony is concluded with a cavalcade, like that on new-year's day.

The alcaldes chosen for the current year, give public entertainments in their houses, each three nights successively; but that the feasts of

one might not interfere with those of another, and occasion resentments, they agree for one to hold his feasts the three days immediately succeeding the election, and the other on twelfth-day and the two following. Thus each has a great number of guests, and the entertainments are more splendid and sumptuous. The other feasts in the course of the year, are not inferior to these either with regard to numbers or expence; at least the number of them must excite a high idea of the wealth and magnificence of Lima.

E. THE TRADE AND COMMERCE OF PANAMA[1]

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This city, even during the absence of the armada, is never without a great number of strangers; it being the thoroughfare for all going to the ports of Peru, in the South Sea, as also for any coming from thence to Spain: to which must be added, the continual trade carried on by the Peruvian ships, which bring variety of goods, as meal of different sorts, wines, brandy from grapes, or brandy castilla, as it is called by all the Americans in these parts, sugar, tallow, leather, olives, oil, and the like. The ships from Guayaquil bring cacao, and quinquina or jesuits bark; which always meet with a quick exportation here, especially in time of peace. All goods, particularly those of Peru, are subject to great alterations in their prices, so that on many occasions the owners lose considerably, and sometimes their whole purchase: on the other hand, there are favourable opportunities, when they triple it, according to the plenty or scarcity of the commodity. The different sorts of meal are in particular subject to this accident; they soon becoming so extremely vitiated by the great heat, that there is an absolute necessity for throwing them overboard. The wines and brandies also, from the heat of the jars, contract a pitchy taste, and are soon unfit for use. The tallow melts, becomes full of maggots, and turns into a kind of earth; the same may be observed of other goods. Hence, if the gain is sometimes great, the risk of the loss is proportional.

The coasting barks, which make frequent trips from the adjacent ports, supply the city with hogs, poultry, hung-beef, hogs lard, plantanes, roots, and other eatables; with all which, this city, by the industry of others, is abundantly supplied.

[1] Juan and Ulloa, *A Voyage to South America*, I, 110–114.

The Peru and Guayaquil vessels, unless at the time when the armada is here, return empty, except when they have an opportunity of taking Negroes on board; as, while the assiento subsists, there is at Panama a factory, or office, which corresponds with that at Porto Bello; and hither the Negroes are brought, as being, in some measure, the staple for them, with regard to the kingdoms of Terra Firma and Peru.

The president of Panama is invested with a power of licensing every year one or two ships, which go to Sonsonate, el Realejo, and other ports in the province of Guatemala and New Spain, to fetch from thence tar, naphtha, and cordage, for the vessels belonging to the Panama trade; they carry thither such parts of the Peruvian goods as do not find a market at Panama; but few of the ships which have obtained this permission return immediately; for the most profitable part of their trade consisting of indigo, they make the best of their way to Guayaquil, or other ports farther to the southward. The dearness of provisions in this city and its district, occasioned by the large quantity required, and the great distance from whence they are brought, is amply compensated by the multitude and value of the pearls found in the oysters of its gulf; and particularly those near the islands del Rey, Tabaga, and others, to the number of 43, forming a small archipelago. The first to whom the Indians made this valuable discovery was Basco Nunez de Balboa, who, in his passage this way, to make farther discoveries on the South Sea, was presented with some by Tumaco, an Indian prince. At present they are found in such plenty, that there are few persons of substance near Panama, who do not employ all, or, at least, part of their slaves in this fishery, the manner of which not being commonly known, it will not be improper to describe it here.

The owners of the Negroes employ the most proper persons for this fishery; which being performed at the bottom of the sea, they must be expert swimmers, and capable of holding their breath a long time. These they send to the islands, where they have huts built for their lodgings, and boats which hold eight, ten, or twenty Negroes, under the command of an officer. In these boats they go to such parts as are known to produce pearls, and where the depth of water is not above ten, twelve, or fifteen fathom. Here they anchor; and the Negroes having a rope fastened round their bodies, and the other end

to the side of the boat, they take with them a small weight, to accelerate their sinking, and plunge into the water. On reaching the bottom, they take up an oyster, which they put under the left arm; the second they hold in their left hand, and the third in their right: with these three oysters, and sometimes another in their mouth, they rise to breathe, and put them in a bag. When they have rested themselves awhile, and recovered their breath, they dive a second time; and thus continue, till they have either completed their task, or their strength fails them. Every one of these Negro divers is obliged daily to deliver to his master a fixed number of pearls; so that when they have got the requisite number of oysters in their bag, they begin to open them, and deliver the pearls to the officer, till they have made up the number due to their master; and if the pearl be but formed, it is sufficient, without any regard to its being small or faulty. The remainder, however large or beautiful, are the Negro's own property, nor has the master the least claim to them; the slaves being allowed to sell them to whom they please, though the master generally purchases them at a very small price.

These Negroes cannot every day make up their number, as in many of the oysters the pearl is not at all, or but imperfectly formed; or the oyster is dead, whereby the pearl is so damaged, as to be of no value; and as no allowance is made for such pearls, they must make up their numbers with others.

Besides the toil of this fishery, from the oysters strongly adhering to the rocks, they are also in no small danger from some kinds of fish, which either seize the Negroes, or, by striking on them, crush them by their weight against the bottom. So that these creatures seem to know that men are robbing them of the most valuable product of their element, and therefore make a vigorous defence against their enemy. The fishery on the whole coast is obnoxious to the same danger from these fish; but they are much more frequent where such riches abound. The sharks and tintoreras, which are of an enormous size, feed on the bodies of these unfortunate fishermen; and the mantas, or quilts, either press them to death by wrapping their fins about them, or crush them against the rocks by their prodigious weight. The name manta has not been improperly given to this fish, either with regard to its figure or property; for being broad and long like a quilt it wraps its fins round a man, or any other animal that happens to come

within its reach, and immediately squeezes it to death. This fish resembles a thornback in shape, but is prodigiously larger.

Every Negro, to defend himself against these animals, carries with him a sharp knife, with which, if the fish offers to assault him, he endeavours to strike it in a part where it has no power to hurt him; on which the fish immediately flies. The officers keep a watchful eye on these voracious creatures, and, on discovering them, shake the ropes fastened to the Negroes' bodies, that they may be upon their guard; many, on the divers being in danger, have thrown themselves into the water, with the like weapon, and hasten down to their defence: but too often all their dexterity and precaution is not sufficient to protect the diver from being devoured by these fish, or losing one of his legs or arms by their bite. Several ineffectual schemes have been practised, to prevent such melancholy accidents.

The pearls of these fisheries are generally of a good water, and some very remarkable, both in their shape and size; but as there is a difference in both these properties, so there is also a difference in their water and colour; some being highly valuable, and others as remarkably defective. Some of these pearls, though indeed but few, are sent to Europe, the greater part being carried to Lima; where the demand for them is very great, being not only universally worn there by all persons of rank, but also sent from thence into the inland parts of Peru.

Besides these pearls, the kingdom of Terra Firma was formerly equally remarkable for the fine gold produced by the mines in its territories; and which consequently proved a very considerable addition to its riches. Part of these mines were in the province of Veraguas, others in that of Panama; but most, also the richest, and whose metal was of the finest quality, were in the province of Darien; and, on that account, the constant object of the miners. But the Indians revolting, and making themselves masters of the whole province, there was a necessity for abandoning these mines, by which means the greater part of them were lost; a few only remaining on the frontiers, which still yield a small quantity of gold. Their produce might indeed be increased, did not the fear of the fickle nature of the Indians, and the small confidence that can be placed on their apparent friendship, deter the masters of the mines from taking proper measures for improving them.

Though the mines of Veraguas and Panama are not exposed to these dangers, yet they are not worked with more vigour than the others; and this for two reasons: namely, the first is, that, besides their being less rich in metal than the others the gold they yield is not of so good a quality as that of Darien; the second, and indeed the most weighty, is, that as these seas, by their rich produce of pearls, offer a more certain, and at the same time a more easy profit, they apply themselves to this fishery preferably to the mines. Some, indeed, though few, are worked besides those above mentioned on the frontier of Darien.

Besides the advantage arising to Panama from the commerce, as the revenue here is not equal to the disbursements, a very considerable sum of money is annually remitted hither from Lima, for the payment of the troops, the officers of the audiencia, and others in employment under his majesty.

F. THE CITY OF QUITO[1]

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The principal square in Quito has four sides, in one of which stands the cathedral, and in the opposite the episcopal palace; the third side is taken up by the town house, and the fourth by the palace of the audience. It is very spacious, and has in the centre an elegant fountain. It is indeed rather disfigured than adorned by the palace of the audience; which instead of being kept in repair conformable to the dignity of government, the greatest part of it has been suffered to fall into ruins, and only a few halls and offices taken any care of; so that even the outward walls continually threaten to demolish the parts now standing. The four streets terminating at the angles of the square are straight, broad, and handsome; but at the distance of three or four quadras (or the distance between every two corners, or stacks of building, and which here consists of about a hundred yards, more or less) begin the troublesome declivities. This inequality deprives the inhabitants of the use of coaches, or any other wheel-carriage. Persons of rank, however, to distinguish themselves, are attended by a servant carrying a large umbrella: and ladies of the first quality are carried in sedans. Except the four streets above mentioned, all the rest are

[1] Juan and Ulloa, *A Voyage to South America*, I, 212–214.

crooked, and destitute both of symmetry and order. Some of them are crossed by breaches, and the houses stand on the sides of their winding course and irregular projections. Thus some parts of the city are situated at the bottom of those breaches, while others stand on their summits. The principal streets are paved; but those which are not, are almost impassable after rain, which is here very common.

Besides the principal square, there are two others very spacious, together with several that are smaller. In these the greatest part of the convents are situated, and make a handsome appearance; the fronts and portals being adorned with all the embellishments of architecture; particularly the convent of the order of Franciscans, which, being wholly of free-stone, must have cost a prodigious sum; and indeed the justness of the proportions, the disposition of the parts, the elegant taste and execution of the work, render it equal to most of the admired buildings in Europe.

The principal houses are large; some of them have spacious and well-contrived apartments, though none are above one story in height, which is seldom without a balcony toward the street; but their doors and windows, particularly those within, are very low and narrow, following in these particulars the old custom of the Indians, who constantly built their houses among breaches and inequalities, and were also careful to make the doors very narrow. The Spaniards plead in defence of this custom, that the apartments are freer from wind; but be that as it may, I am inclined to think that this peculiarity owed its origin to a blind imitation of the Indians.

The materials made use of in building at Quito are adobes, or unburnt bricks, and clay; and to the making of the former the earth is so well adapted, that they last a long time, provided they are defended from the rain. They are cemented or joined together by a certain substance called sangagua, a species of mortar of uncommon hardness, used by the ancient Indians for building houses and walls of all kinds, several remains being still to be seen near the city, and in many other parts of the kingdom, notwithstanding the remarkable inclemency of the weather; a sufficient proof of its strength and duration.

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59. A Voyage to the Eastern Part of Terra Firma.

[1801–1804. François Raymond Joseph Depons, *A Voyage to the Eastern Part of Terra Firma, or the Spanish Main, in South America, during the Years 1801, 1802, 1803, and 1804*, I–III. Published by I. Riley and Company, New York, 1806. The original is in French.]

François Raymond Joseph Depons was a French business man who made a voyage of about four years in what is now Venezuela. He had an unusually good opportunity to study the conditions in Caracas and other parts of Venezuela, and has in these three volumes given an excellent account of them at the beginning of the last century. The following excerpts are illuminating.

A. RELIGIOUS ORGANIZATIONS[1]

The catholic, apostolic, and roman religion, is not only predominant, but exclusive, in all the Spanish possessions, as in the metropolis. The schismatic, or the person who is even suspected of being such, passes a very uncomfortable time there.

Tribunals of the Inquisition

Three tribunals of the inquisition, or holy office, which have their sessions at Mexico, Lima, and Carthagena of the Indies, are inexorable defenders of the faith in all Spanish America.

In their primitive institution, their cognizance was confined to matters strictly of heresy. *Inquisitores non possunt se intermittere in aliis, causis quam in delictis contra fidem. Clem. de hæres. cap. mult. prim. parag. propter.* The law soon assigned to them cases of divorce, polygamy and sodomy, which it has since successively referred to other tribunals.

The abuse that a priest can make of confession, by rendering it subservient to his passions, comes under the cognizance of the inquisitors. As in this case it is necessary to proceed against the priest on a denunciation not supported by proofs, the least appearance of rancour, hatred, or vengeance, occasions its rejection. Nothing is admitted except merely the denunciation, accompanied with the circumstances which render the crime probable.

[1] Depons, *A Voyage to the Eastern Part of Terra Firma*, II, 74–82.

These tribunals can condemn to fine, confiscation, banishment, the galleys or the flames. The secular judges, even the audiences, must respect their sentences, and cause them to be executed. The principal functions of these inquisitorial tribunals consist in anathematizing all books the contents of which wound the tenets of religion, offend modesty, or tend to deprive government of its consideration, and the laws of that respect which is their due.

Such is the vigilance of the inquisition that this regulation concerning the police of books, is more rigorously executed both in Europe and America, than any other regulation appertaining to the Spanish regime.

From whatever part books may come, in whatever language they may be written, neither the entrance, circulation, nor use, are permitted, until they have been judged orthodox by the commissaries of the holy office.

Every bookseller in the Spanish dominions, is bound to furnish, in the two first months of every year, an inventory of the books he exposes for sale: to this must be subscribed his oath that he has no others than those contained in the inventory.

He is forbidden to purchase or sell any book prohibited by the inquisition, under penalty, for the first offence, of interdiction from all commerce in books for two years, banishment, during the same term, to twelve leagues distance from the place in which he was established, and a fine of two hundred ducats to the profit of the inquisition. Repetitions of the offence are proportionally punished. The book forming the substance of the crime, may have been already sold, and in the hands of a third person, but the declaration of the purchaser suffices to subject the bookseller to all the penalties specified.

Every bookseller must have in his store a catalogue of the books censured by the inquisition, under penalty of forty ducats. It is even necessary, that the catalogue should be his own; for if it is borrowed, he is equally liable to the fine, as if he has none.

No bookseller may proceed to the inventory, estimate, purchase, or sale of private libraries, without furnishing to the commissary of the inquisition, a statement, containing the names and surnames of the authors, the titles of the books, the subject matter, and the place and year of the impression, under penalty of fifty ducats.

Every person who enters the country with books, must make a declaration detailed and sworn to, which is sent to the tribunal of the

inquisition or its commissaries, who have the power to permit their introduction or to seize them. The omission, or imperfect execution of this declaration, occasions a confiscation of the books, and a cost of 200 ducats for the expenses of the holy-office.

When books, as most frequently happens, are deposited at the custom-house, with other effects, or merchandise, the officers of the customs cannot release the books, but by express permission of the commissary of the inquisition: which he does not grant till he has previously examined them.

Catalogues, which Spaniards may receive from abroad for the selection of books, must, before any use is made of them, be sent to the holy-office, which may retain or restore them.

Whoever may have the temerity to elude the vigilance of the inquisition, is not therefore in peaceable possession of the proscribed books he has received. He remains exposed to those domiciliary visits, which the commissioners of the inquisition have a right to make at any hour either of day or night.

The tribunal of the holy inquisition, can grant particular permissions to read prohibited books. This is frequently done to persons whose manners are unequivocally national, and whose principles are steadfast and unalterable. The priests and monks most readily obtain these permissions; but they do not extend to all the books prohibited. Some are so strictly forbidden that neither the inquisition nor the pope permit them to be read, except in cases extremely rare.

Formerly it sufficed for a book to contain a single proposition of questionable orthodoxy, a single equivocal maxim, to provoke its entire prohibition. At present it is thought sufficient to suppress the vicious or suspected part. This operation is called *expurgar*, (purifier.) In this case, they obliterate the offensive passages of the book, and with those exceptions, permit it to be reprinted or read.

But when the basis of its principle appears impious, scandalous, or obscene, the whole work is condemned; and according to the importance of its injurious tendencies, it remains interdicted, even to those who have the privilege of reading prohibited books. Thus the books on whom the holy inquisition has exercised its authority, may be divided into three classes, viz. *corrected* books, which become national; *forbidden* books, which may be read on permission; and *proscribed* books, which cannot be read without a special permission.

The French works condemned to an absolute proscription are: *The New Abelard; Academy of the Ladies; the Year Two Thousand Four Hundred and Forty; Philosophy of Good Sense; Discourse of the Emperor Julian against the Christians; Political Maxims of Paul III. Bayle's Dictionary; Portable Theology of the Abbe Bernier;*[1] *the Continuation of Bossuet's Universal History; Theory of Criminal Laws, by* Brissot de Warville; *Religious Ceremonies and Customs; the six last volumes of a Course of Study, by* Condillac; *Dialogues drawn from Monialisme,* or the Principle of Nunneries; *Treatise* on Virtues and Recompences; *Instructive Errors; Journal of the Reign of Henry IV. King of France; Military Philosophy; Genius of Montesquieu; Literary History of the Troubadours; Philosophical and Political History,* by the Abbe Raynal; *Belisarius,* by Marmontel; *Memoirs and Adventures of a Man of Quality; Nature,* by Robinet; *Researches concerning the Americans; System of Nature; Social System; Voltaire's Works; Rousseau's Works; Essay on Universal History,* by Jean de Antimoine; *History of Prince Basile; History and Life of Aretin; Monuments of the Private Lives of the Twelve Cæsars, &c. &c.*

That the prohibition of books may be public and notorious, the tribunal of the inquisition directs at intervals, a catalogue to be printed of those, the reading of which is forbidden, under penalty of fine and censure. In the three first centuries of its establishment, the inquisition contented itself with declaring heterodox, a strange work found in the hands of the citizens, and at the same time punished the offence, which ignorance had occasioned. On the 30th of June, 1640, the inquisitor-general, Antoine de Sotomayor, published a mandate, announcing to the faithful such books as were proscribed by the inquisition. Their number was very reduced. It consisted only of the works of Æcolampadiu, Luther, Erasmus, Pelican, Zuinglius, Munster, Castalius, &c. condemned as much for their works, as for the alterations made of the holy scriptures.

In 1707 and 1747, the inquisitors general ordained more strongly the execution of the mandate of 1640, and added new dispositions to the preceding.

But, properly speaking, it was not till in 1789, that this department of inquisitorial duties, received the order and perfection of which it was susceptible. The inquisitor-general, Don Augustin Rubin De

[1] The Baron de Holback, under the name of Abbe Bernier.

Ceballos, ordained, the 26th of December, 1789, the impression of a new catalogue more exact than the preceding and with the distinction of books corrected, forbidden, and proscribed. At the head of the catalogue are the rules, which never before existed or were published, according to which the works are to be judged by the inquisition.

Agreeably to these rules, every book which contains only a few scattered and accidental propositions of heresy, is allowed on a retrenchment of the tainted parts.

But every work, written by a heretic, or which treats, in common language, of matters in controversy between the catholics and modern heretics, is entirely prohibited.

Whatever may be the subject of a book, if it does not announce the author, the printer, the date and place of its impression, it is, by that single circumstance, prohibited.

Every work that treats only of love, of magic, of witchcraft, or of superstition, is deservedly condemned.

The Talmud and all the books of the Rabbins and Hebrews, and the confutations of the alcoran are comprised in the absolute prohibition.

Nothing evinces more clearly the zeal of the inquisition, than the number of works it has condemned within two centuries. The catalogue of prohibited books, printed in 1790, contains the names and surnames of five thousand four hundred and twenty authors, reprobated by the tribunal; not to mention the infinity of anonymous productions which have experienced the same fate.

Spain is so attentive to preserve her religious and political principles, in all their purity, that she repulses from her bosom whatever may conduce to their injury. To this effect the inquisition has set the seal of its reprobation, not only on the works of Servet, Bayle, Voltaire, Rousseau, Raynal and all those who have written in defence of the doctrines of Mahomet, Luther, Calvin, &c. but also on the productions of the Abbe Racine, Masson, Morvillers, Fleuron, Addison, Arnaud, the Marquis d'Argenson, Beccaria, Marmontel for his *Belisarius*, Abbe Bernier, Baron De Bielfield, Count De Bonneval, Bosinet, Nicolas Boileau, Despreaux, Tycho-Brahe, La Fontaine, La Bruyere, Burlamaqui, Ganganelli, Condillac, Montesquieu, *Robinson Crusoe*, Desormaux, Lacombe, Prezel, La Croix de Compeigne, Diderot, Helvetius, Fontenelle, Dufrene, Francheville for the *age of Louis XIV.*

Hubner, Hume, Count D'Oxenstien, Puffendorf, Robert for his Universal Geography, Vattel, Filangieri, Millot, Abbe De Mably, Dupaty for his *Letters on Italy*, Fenelon, &c. &c.

Commissaries

The inquisition nominates, in all the cities within the district of the tribunal, commissaries without jurisdiction. They furnish information on every affair denounced to them, and send the process and the accused, to the tribunal.

Appointments

The appointments or salaries of the members of the inquisition, are paid from the fines and confiscations imposed by that tribunal, and from the proceeds of a place of canon, which is left vacant in each cathedral for that purpose. When all these are not sufficient, the royal officers furnish the deficiency.

B. THE SPANISH LAWS [1]

The Spanish laws, like those of every civilized nation, are admirable in theory, but subject to those caprices which characterize every thing framed by the hand of man. Destined to restrain the passions, to prevent injustice, to protect virtue, they do not always accomplish their object, because the magistrate to whom they should serve as a curb, often applies them to a contrary use. This is neither the fault of the king, nor of the council of the Indies. Whenever truth has the good fortune to reach them, justice and innocence triumph, even in opposition to influence and wealth. But the truth rarely extends so far: those authorities instituted by the legislator, to keep watch upon each other, have so much reciprocal interest to promote, that the majority of the supreme decisions, given on false suggestions, bear with them the seal of the error on which they are founded. It is requisite to be very powerful and very rich to obtain in Spain, the punishment of an abuse of power committed in the Spanish Indies. He who does not unite these advantages, must patiently submit to injustice; it would only be increased by his complainings, unless the affair can be represented to the council of the Indies. There reside penetration and impartiality.

[1] Depons, *A Voyage to the Eastern Part of Terra Firma*, II, 53–55.

The Spaniards have great consideration for the life of a man, and an absolute contempt for his liberty. The most atrocious crimes are required for his condemnation to death: the most trivial suspicion suffices to deprive him of his freedom. Every man who possesses the slightest degree of authority, has a right to imprison him who has none. The smallest debt, whatever may be its nature, plunges into prison the debtor who is unable to discharge it. It is true that, if no property belonging to him can be discovered, and he makes oath that he has none, he obtains his release, after whole months of confinement. In every accusation, whether calumnious or not, they commence with imprisonment. No proof of crime is necessary for incarceration; but to obtain enlargement, innocence must furnish proof that the suspicion was unjust, and the grounds on which it originated false.

From this abusive facility of attacking personal liberty, results the slight impression made upon a Spaniard by the idea of a prison. He goes to it without emotion; he writes there from morning till night to the authorities, to his patrons, and to his friends; he receives visits from all his relatives and acquaintances with the same gaiety and the same countenance, as if this abode of sorrow and humiliation was his ordinary residence. He leaves it with the same serenity: returns punctually the visits he has received, and returns to society without ranking this event in the catalogue of his misfortunes.

C. THE SPANIARDS ARE LITIGIOUS[1]

The Spaniards of America teaze the courts of justice by the frequency of their applications, as much on account of their interests, as their prerogatives. They seem to be continually upon the watch to seize an opportunity of engaging in a law suit. They are passionately fond of judicial investigations, and this passion, which ruins themselves, furnishes abundant subsistence to a prodigious number of rapacious scribes, whose reputation is advanced in proportion to the talent they have acquired of starting incidental obstacles, that is to say, of ingrafting process upon process in endless succession. This I affirm with the frankness and impartiality which dictate my thoughts, and guide my pen; there is not a country in the world which abounds so much in law suits, as Spanish America. Above all the rest, the soil

[1] Depons, *A Voyage to the Eastern Part of Terra Firma*, I, 140–142.

of the island of Cuba is pre-eminent for this species of production. One would hardly think it credible, that in the city of Havanna alone, where there was no court of appeal, there were computed to be, in 1792, seventy-two advocates, independently of those who were scattered over the other cities and villages, amounting to thirty-four, and making, with the seventy-two of the Havanna, a total of one hundred and six advocates. The entire population did not exceed, at that same period, two hundred and fifty-four thousand eight hundred and twenty-one souls, reckoning freemen and slaves, and the territorial exports did not amount to the value of 5,000,000 milled dollars, whilst St. Domingo, with a population of six hundred and sixty thousand souls, and produce to the value of 27,000,000 milled dollars, had, in the two councils, and over the whole colony, but thirty-six advocates. From this litigious spirit of the Spaniards arises that swarm of vermin that surround the tribunals in order to devour the substance of families, which the restlessness and personal pride of the possessors expose to all the arts of chicane. — To the facility with which a livelihood is gained in this manner in the practice of the law, which requires no other talent than that of sophistry, is to be ascribed the avidity with which so many enter into that profession, and the aversion which is generally discovered for agricultural labour. From the enormous sums which the cultivator spends in litigation, necessarily result the declining and ruinous condition of the plantations. Many persons, whose characters inspire confidence, estimate the expenses of every kind which are annually made within the jurisdiction of the audience of Caraccas, at 1,500,000 milled dollars. I have seen none, who stated them at less than 1,200,000. If a happy reform could reduce both that expense and the number of those who depend upon it to one third of what they are at present, agriculture, commerce and morals, would be greatly benefited by the change.

D. THE HOUSES OF CARACAS[1]

The houses of individuals are good and well built. In the interior there are many which are storied and of a very handsome appearance. Some are of brick; but the major part of masonry in frame work, nearly after the manner of the Romans, and as, even at this day, is

[1] Depons, *A Voyage to the Eastern Part of Terra Firma*, III, 61–63.

practised for building in marshes, the sea, &c. according to the mode published by Mr. Tardif, in 1757.

They construct, of boards five feet long and three broad, a sort of caisson without a bottom, which is made the mould of the front of the wall they intend to erect. The place on which they build, serves for the bottom of this caisson, supported by a scaffold, which is removed at every form that is added to the wall. In this form they place and beat up, at every layer, a mortar, named in the country, *tapia*. — There are two kinds of it; the first to which they give the pompous appellation of *tapia* royal, is composed of river-sand and lime. With this they often intermix flint or small pebbles. The second is of sand and earth, with a very small portion of lime. From the combination of ingredients it is easily perceived which will endure the longest. By means of the pestle, however, both one and the other acquires a consistency, which, for a length of time, braves the inclemency of seasons, and injury of years. These houses, when once rough-cast and whitewashed, look quite as well as if built of cut stone. The roofs are sharp, or with two eves. The carpenter's work well put together, very elegant, and of excellent wood, which the country furnishes in abundance. The covering of curved tiles.

The houses of the principal persons in the city are, in general, neatly and even richly furnished. We behold in them beautiful glasses; at the windows and over the inside doors, elegant curtains of crimson damask; chairs and sophas made of wood, the seats of which, covered with leather or damask, are stuffed with hair, and adorned with gothic work, but overloaded with gilding; bedsteads, with deep head-boards, showing nothing but gold, covered by superb damask counterpanes, and a number of down pillows in fine muslin cases, trimmed with lace. There is seldom, it is true, more than one bed of this magnificence in each house, which is in general the nuptial couch, and afterwards serves only as a bed of state.

The eye wanders also over tables with gilded feet; chests of drawers, on which the gilder has exhausted all the resources of his art; brilliant lustres, suspended in the principal apartments; cornices, which seem to have been dipped in gold; and rich carpets, covering at least all that part of the room where the seats of honour are placed; for the parlour, furniture is disposed in such a manner that the sopha, which constitutes the most essential article of household attire, is situated at one

end with the chairs arranged on the right and left, and opposite the principal bed of the house placed at the other extremity of the room, in a chamber, the door of which is open, unless it be fixed in an alcove equally open, and by the side of the seats of honour.

These sorts of apartments, always exceedingly neat, and very handsomely ornamented, are, as it were, interdicted to the inhabitants of the house. — They are opened, with scarce any exception, only in honour of those who come to fulfil the tender duties of friendship, or the irksome ceremonies of etiquette.

E. NEGRO SLAVERY IN THE CAPTAINCY GENERAL OF CARACAS [1]

The Spaniards have never carried on the slave trade in a direct channel, nor thought of establishing counting-houses upon the coast of Africa. They consider that species of traffic as too repugnant to the principles of the christian religion; but by ingeniously compounding with their consciences, they find it very natural to purchase blacks, when they are carried to them. The government frequently enters into contracts with foreign merchants for the importation of a specific number of blacks into such or such parts of their domains. The last treaty of this kind, which was made for the province of Venezuela, has been entirely fulfilled since 1797. The king, to reward the particular services of three of his vassals of Venezuela, granted them, in 1801, the privilege of importing into that province four thousand blacks from the coast of Africa; but that privilege had not yet been acted upon at the end of 1803.

Besides these means of procuring cultivators for Terra Firma, the Spaniards were further permitted to go and purchase some in foreign colonies. They were even encouraged by a reduction of the duties on exports obtained in favour of the articles, which were exported in order to apply the proceeds to the purchase of negroes. But since the total subversion of order which took place in St. Domingo, the principles of which were more or less disseminated over foreign colonies, the Spanish government judged that this source, whence its agricultural population was derived, was too much corrupted to admit of importation without running the risk of contagion. It did not hesitate to renounce the trifling advantages which accrued to culture from this branch of

[1] Depons, *A Voyage to the Eastern Part of Terra Firma*, I, 156–158, 166–167.

importation, in order to shield its possessions from the very probable misfortune of seeing their safety committed by the introduction of some African, charged with the foul principle of devastation, to which might be ascribed the deplorable state of the French colonies. Several orders of the king have, therefore, prohibited the landing of any foreign negro or mulatto, whether freeman or slave, in Terra Firma.

. . . . . .

As some compensation for the ungenerous treatment experienced by the Spanish slaves, the law, to soften the rigour of their lot, gives them some resources entirely unknown in the colonies of other nations.

Advantages which the Laws offer to Slaves

In every other country, the slave is condemned for life, to suffer under an unjust master. Amongst the Spaniards, he may quit the domain of him who abuses the right he has over his person. The law, however, requires that he should specify his reasons; but the judge who administers the law, is easily satisfied on that point. The most trifling allegation, whether true or false, is sufficient to compel the master to sell the slave, that does not wish any longer to serve him. He is not allowed to exact an exorbitant price. He must sell at whatever price he purchased him; and further, it must not exceed 300 dollars, whatever talent or qualification he may have to recommend him. All that has been advanced for him above that sum, is charged to the caprice of the purchaser, which cannot militate against the privilege, which the law secures to the slave, of endeavouring to better his situation by changing his master. If his value suffer any diminution on account of bodily infirmities, the judge orders an estimate to be made, which fixes the real price of the slave who makes the application.

Every slave, therefore, has it in his power to effect his own redemption by refunding to his master the sum which he originally cost him, or by paying down the sum of 300 dollars, in case he has advanced more than that amount. A written acknowledgment of the payment is considered as a sufficient document for his manumission, and entitles him to the rank of a citizen without the interference of either the law or fiscal department in a transaction of such importance, that all other nations have subjected it to more authentic forms attended with very considerable expense.

No master without being severely reprimanded by the magistrate, can inflict upon his slave chastisements which occasion any loss of blood.

To conclude, in order to support the rights of slaves, and shield them from the vexatious persecution of masters, there is appointed within the jurisdiction of every governor an attorney, commonly called the poor's attorney, who is charged with all the proceedings necessary to vindicate the cause of such slaves as apply for redress. That institution alone affords sufficient proof of the foresight and wisdom of the legislator.[1]

[1] Depons states that there were 218,400 negro slaves and 291,200 freedmen and descendants of freedmen in the captaincy general of Caracas in 1803.

PART II. HISPANIC AMERICAN WARS OF EMANCIPATION

60. Letter from James Biggs to Mr. R. S. G. on Miranda's Expedition to Venezuela in 1806

[On board the *Leander*, February 5, 1806. James Biggs, *The History of Don Francisco de Miranda's Attempt to Effect a Revolution in South America*, 1–8. Published by Gillet, London, 1809, and by E. Oliver, Boston, 1811.]

Don Francisco de Miranda (1756–1816), the illustrious son of Caracas and the great pioneer in the movement for independence in Hispanic America, had a very eventful career. The story of his life and his endeavors is far too long to be dealt with in this introductory note. The treatise by James Biggs, from which this letter is taken, is considered by many as the best single account of this expedition to Venezuela. Biggs was a member of that expedition and therefore wrote from personal experience and observation.

Dear Friend,

. . . . . .

You naturally inquire what is the object and destination of this ship? what do we propose, and whither are we going? I am unable to give a positive answer to either of these questions; for only a few confident persons concerned are let into the secret; nor do I know the extent of that knowledge relating to it, that possibly might be obtained, were I to make it my business to importune for particular information. I deem it proper, at this moment, to suffer my curiosity to remain unsatisfied, till the period arrives when inquiry will not be considered impertinent, or an exposure of our plans and intentions impolitic. This I apprehend will shortly be the case. I for one, and

most others, have embarked upon general information and assurances that more shall be disclosed at a suitable season. We rely much on our leader and on those who recommended him to our confidence. We know enough not to be angry with ourselves for joining the undertaking; we imagine and conjecture much. Generally, I can say that we are engaged in an expedition to some part of the Spanish dominions, probably in South America, with a view to assist the inhabitants in throwing off the oppressive yoke of the parent country, and establishing a government for themselves; upon which, we are told, by our General, they have resolved; and for which, he says, they are entirely disposed and prepared. For this purpose the Leander was engaged and fitted out, as we understand, by the credit and funds of Don Francisco de Miranda, the Commander-in-chief of the expedition. The vessel is laden with arms of various descriptions, ammunition, clothing, and every kind of military equipage necessary for a campaign. A number of Americans, some of them gentlemen, and persons of good standing in society, though mostly, I believe, of crooked fortunes, have embarked. Few of us, before entering the ship, saw our leader, but had our communication with those, who were his acknowledged agents and advocates. We have, as yet, made no definite engagements with him, nor he with us; and I presume, if upon further insight into the business, or experience of the service, we shall be dissatisfied, we may, if we please, withdraw; though it must be confessed our destinies, now we have proceeded so far, are seriously joined with those of Miranda. Do you ask, whether our taking a part in this enterprise consists with our relation to our country, or with moral right, to say nothing of common discretion? I hope it is inconsistent with neither. I will not say that there are not some of our company thoughtless or ignorant enough to disregard these weighty considerations. Perhaps it is a matter of indifference to many of the volunteers in what cause they act, if it do but promise them an opportunity of distinguishing themselves by martial achievements, and afford a chance of acquiring some portion of the riches, supposed to be in the hands of unworthy possessors in the south. By the issue of this undertaking they can hardly lose, and may gain. But the greater number of those who can reasonably look for high places, or large emoluments, are not desperadoes, though they are adventurers; and although they are willing, from situation or temper, to try a bold and hazardous scheme, it would be

illiberal, as well as unjust, to infer that they would act an unprincipled or dishonourable part.

We are encouraged in the belief, that our government has given its implied sanction to this expedition; and this circumstance, taken in connection with the official language of the President, and the known sentiments of some of the political party that now prevails, leads us to suppose, that our government expect or intends, very soon, explicitly to authorise the use of force against Spain. Under such impressions, we think we shall not be called to account as violating the pacific relations of the United States. The project of appearing for the relief of the oppressed, under the banners of a celebrated chief, who is said to be their greatest friend and favorite; of lending our assistance to found an independent state, in extensive, fertile, and populous regions, where the spirit of the people is crushed, and the resources of nature are kept down by a vile colonial policy, presents itself to our imaginations and hearts in the most attractive light, and make us rejoice, that it has fallen to our lot to attempt the deliverance of a large portion of our fellow men. We flatter ourselves it is honourable and humane to be thus engaged; still I am sensible that nothing short of complete success will ensure such a design the approbation of the mass of mankind. If we succeed, our fame will take care of itself. To quiet the revolting of our humanity, and satisfy us that we are not going upon cruel work, we are told that a revolution can take place in the country proposed, with little violence, and perhaps without the loss of much blood: the people are said to be now awake to their sufferings, and inclined and competent to remove the cause, as the government by which they are oppressed is weak and inefficient. On this disposition of the inhabitants to join the standard of our leader in such numbers as to compel the few friends of the old order to make terms without delay, we place our expectations of success. It is also intimated that we shall receive, as far as occasion shall require, the countenance and co-operation of the British. After all, it must be confessed, we may be "plucking a thousand dangers on our heads;" but we presume our conductor knows what he is doing, and will lead us to great exploits and splendid fortunes.

Your's truly, &c.

61. Notices of Miranda

[August 10, 1808. James Biggs, *The History of Don Francisco de Miranda's Attempt to Effect a Revolution in South America* (1809), 291–303.]

The following biographical sketch of the brilliant Creole of Caracas was written two years after the preceding letter. It is pretty generally accepted as trustworthy and the best single account of Miranda up to that time.

General Miranda in conversation was reserved on the subject of his own life. He wrapped himself in mystery; and apparently enjoyed a sort of satisfaction in leaving people to conjecture and wonder. He would talk of what he had seen and done; of his studies, his adventures, and sufferings; his perils, and escapes. But he avoided detail and circumstances; time, place, and persons, he kept out of view. In his relations, he stopped at generalities. For this reason, his officers knew less of him than you would imagine. Of the place of his nativity, there are several and disagreeing accounts. But beyond doubt, he was born in the city of Caraccas, in the province of that name. It is taken for granted that he is descended from one of the oldest Spanish families. Some accounts represent his grandfather was governor of a province, and his father a candidate for the same place, but defeated in his expectations, through the jealousy which the court have ever entertained of the natives. This disappointment is mentioned, with what truth I cannot say, as a cause of our hero's discontent with the government. If such an event ever occurred, it probably had a large share of influence on a mind like that of Miranda. But the ardor of his feelings, the boldness of his speculations, and the republican bias of thinking, which he always manifested, afford sufficient solutions. He was educated like other young men of the better families in Caraccas, at the schools and university of that city. He never mentioned his teachers, nor his school. He said that he learned Greek after he was forty. Depons observes, that at present, the Spanish youth, sensible of the insufficiency of their education, apply with avidity to the reading of foreign books. It is said Miranda began his travels in the provinces, in early manhood. He entered the army, and was Captain in the regular troops of Spain. Biographers say he rose to be Colonel; but this is doubtful. One of his stations was

at Guatimala. Here he improved his opportunities of becoming acquainted with New Spain.

He left his native country from necessity, to avoid the displeasure of government. The causes of his precipitate disappearance are variously stated. It is ascribed to his expressing obnoxious sentiments relating to the independence of the colonies, and having laid a plot for effecting it. One of the most celebrated French Generals (Moreau) told me, that whilst Miranda was stationed at the Havannah, being in the engineer corps, he was commissioned by the military Commander to go to Jamaica, for the purpose of surveying the fortifications, and making out a report of their strength and condition. To disguise his character and design, he was allowed to smuggle ten thousand dollars value of commodities. On his return, he was charged with exceeding the limits of his permission. His property was seized. The cause was carried to Madrid, where it was decided against him. He thought it wise to decamp, in order to avoid the penalties which he had incurred.

In 1783 he visited the United States. I have conversed with many persons who knew him at this time. They say his mind was full of the ideas of reform and innovation, of liberty and philosophy. He went from this country to Europe. London was his most constant place of residence, whilst he was not on his travels. He visited almost every portion of the European world; every principal city and court; and went to Constantinople. He had a superb library in London. This literary treasure was pledged for a part of the necessary funds to defray his expences. In the negotiations and disputes and naval preparations respecting Nootka Sound, he had an agency under the English ministry. When the French revolution commenced, he was in Russia. This event opened a career suited to his genius. He repaired immediately to Paris; and soon obtained favour, fortune, and place, under the protection of Pethion. He was employed in the French army. In 1792 he was sent in quality of a general officer to Champagne, under Dumourier, whom he afterwards accompanied to Belgium; and he was nominated, in September, Commandant of the army of Flanders, in the room of Labourdonnaye; during the winter he had the chief command in the absence of Dumourier.

In the spring of 1793 Miranda besieged Maestricht, by order of the executive council; but General Lanoue, who was posted at Roer, being beaten at Aldenhoven, he was obliged to raise the siege after twenty

days bombardment. The defeat at Aldenhoven, and the bad success at Maestricht, overturned all Dumourier's plans. How far Miranda was to blame, let military men judge.

The Commander-in-chief, Dumourier, having retired from Holland, again appeared at the head of the Belgic army. Miranda commanded the left wing, on the 13th of March, in the affair of Nerwinde. This battle would probably have terminated in favour of the French, had not Miranda retired from the field soon after the middle of the day. One of his columns was panic-struck, and the other two were driven back. This retreat has been ascribed in some French publications to the treachery and cowardice of our hero. General Moreau, now in this country, is of a different opinion. He assured me it was by a military fault of Miranda's that the French lost the victory at Nerwinde; "Miranda," says he, "is not justly chargeable with treachery or cowardice." Dumourier says, "that either disconcerted, or willing to sacrifice his rival, Valence, he ordered his troops to retreat." He sent no advice of his retreat to Dumourier, which neglect exposed the right wing and centre of the army to the whole weight of the enemy.

It seems that Miranda was no friend to Dumourier. Three days after the battle, it has been asserted, he wrote a letter to Pethion against this General. Miranda's partizans say this letter afforded him no justification. He afterwards published a memorial, in which he tells his protector, Pethion, that the expedition against Holland had been undertaken contrary to his advice; that he had foreseen the mischiefs which would result from such a project; and that Dumourier, in concert with Thouvenot, had decided upon every thing without consulting him. As to the defeat at Nerwinde, he endeavoured to confirm the opinion then circulated, that it was owing to the treachery of the Commander-in-chief, and his adherents. At the same time, he continued to correspond with Dumourier. Miranda did not save himself by this double-faced precaution. He was arrested at the moment of the desertion of that General, and was sent to Paris for trial. The revolutionary tribunal acquitted him in May. Before the end of the same month he was again arrested. He appeared in person at the bar of the convention, to justify himself, but he did not obtain his liberty until the fall of the Mountain.

In October, 1795, he attempted to recover his lost influence, by serving the convention against the sections. This expedition did not

succeed. On the 22d of the same month his arrestation was decreed. He was sentenced to be transported beyond the limits of France. In vain he endeavoured to effect a retraction of his sentence. He was delivered to a body of gens d'armes, who were charged to conduct him to the frontiers. He got away from his escort, and wrote to the directory, demanding a reversion of his sentence. This business was kept in train a long time, although the director Le Tourneur was his particular enemy. Finally, the 4th of September, 1797, finished his residence in France. He was included in the grand deportation. England afforded him refuge. He was among the number whom Bonaparte did not recal in 1799. After this period, he continued in London. Failing in various attempts to interest the British ministry in his project respecting South America, he embarked for New York, under the assumed name of Moses Martin, of New Orleans. On the 2d of September, he sailed from England, and arrived in the United States on the 12th of November following. Here he commenced operations for carrying into effect his project of twenty years contemplation, to revolutionize his native country. A mercantile house in New York furnished him with the ship and armament, as has been described in this history. He gave Mr. Ogden three bills, one of five thousand, one of two thousand, and one of eight hundred pounds, sterling. The two last only were duly paid. The property taken by him from New York was all spent, dissipated, or remains in his hands. No part of the proceeds of the sale of the Leander was ever repaid to the original owners.

Dumourier says of this personage, "that he was a man of capacity and extensive information. He was better versed in the theory of war than any other of the French Generals; but he was not equally versed in the practice." He had been of great service to him in the different attacks on the Prussians. But "he had a haughtiness of disposition and bluntness of manner, which begat him many enemies; and he was unfit to command the French, whose confidence it is impossible to gain, but by good humour, and conduct expressive of respect for them."

In the preceding history, Miranda's injudicious selection of his place of landing is mentioned as one cause of his failure. The reasons in favour of his choice were not stated. His principal inducement probably was, that from information or rumour he imagined he had friends

in Coro. In stating his grounds for expecting success, I might have placed them in a summary form by reciting four positions laid down by one of his advocates at the outset.

First, From the boundless extent of the coast of Spanish America, he can choose his point of landing.

Second, From the same circumstance, the whole military force, that is to say, the military force from the mother country, is distributed into small detachments, and these detachments are most remote from each other. In no single post in America, can there be more than one thousand men.

Third, The militia of the country are invariably in his cause.

Fourth, If he could, therefore, raise a sufficient force to withstand the attack of two or three of these detachments, for more could never join, he would be enabled to maintain his ground; and revolutionizing as he went, add his conquests to his force.

From this narrative, in connection with the prior history of General Miranda, you will receive an impression of his character not so favourable, as that entertained by many persons. I have related facts. They must be allowed to speak for themselves. His imagination and feelings were an overmatch for his judgment. He is more rash and presumptuous in projects, than dexterous in extricating himself from difficulties. In religion he is reputed skeptical; but in our hearing he never derided subjects of this nature. He used formerly to talk infidelity, to the offence of the serious; experience has taught him caution, or he has changed his sentiments. It is said upon good authority, that he partook the sacrament at Coro. He is too much of an enthusiast in his favourite objects to allow his means to be enfeebled by moral scruples. I am willing to believe he has as much conscience as the impetuous passions of such men generally admit.

I make a few remarks on his person, manners, and petty habits.

He is about five feet ten inches high. His limbs are well proportioned; his whole frame is stout and active. His complexion is dark, florid, and healthy. His eyes are hazel-coloured, but not of the darkest hue. They are piercing, quick, and intelligent, expressing more of the severe than the mild feelings. He has good teeth, which he takes much care to keep clean. His nose is large and handsome, rather of the English than Roman cast. His chest is broad and flat. His hair is grey, and he wears it tied long behind, with powder. He has strong grey

whiskers, growing on the outer edges of his ears, as large as most Spaniards have on their cheeks. In the contour of his visage, you plainly perceive an expression of pertinaciousness and suspicion. Upon the whole, without saying he is an elegant, we may pronounce him a handsome man. He has a constant habit of picking his teeth. When sitting, he is never perfectly still; his foot or hand must be moving to keep time with his mind, which is always in exercise. He always sleeps a few moments after dinner, and then walks till bedtime, which with him is about midnight. He is an eminent example of temperance. A scanty or bad meal is never regarded by him as a subject of complaint. He uses no ardent spirits; seldom any wine. Sweetened water is his common beverage. Sweetness and warmth, says he, are the two greatest physical goods; and acid and cold are the greatest physical evils in the universe.

He is a courtier and gentleman in his manners. Dignity and grace preside in his movements. Unless when angry, he has a great command of his feelings; and can assume what looks and tones he pleases. His demeanour is often marked by hauteur and distance. When he is angry he loses discretion. He is impatient of contradiction. In discourse, he is logical in the arrangement of his thoughts. He appears conversant on all subjects. His iron memory prevents his ever being at a loss for names, dates, and authorities.

He used his mental resources and colloquial powers with great address to recommend himself to his followers. He assumed the manners of a father and instructor to the young men. He spoke of the prospect of success, and of the preparations made for him, with great confidence. The glory and advantages of the enterprize were described in glowing colours. At another time, he detailed his travels, his sufferings and escapes, in a manner to interest both their admiration and sympathy. He appeared the master of languages, of science and literature. In his conversations, he carried his hearers to the scenes of great actions, and introduced them to the distinguished characters of every age. He took excursions to Troy, Babylon, Jerusalem, Rome, Athens and Syracuse. Men famed as statesmen, heroes, patriots, conquerors, and tyrants, priests and scholars, he produced, and weighed their merits and defects. Modern history and biography afforded him abundant topics. He impressed an opinion of his comprehensive views, his inexhaustible fund of learning; his probity, his generosity, and patri-

otism. After all, this man of blazoned fame, must, I fear, be considered as having more learning than wisdom; more theoretical knowledge than practical talent; too sanguine and too opinionated to distinguish between the vigour of enterprize and the hardiness of infatuation.

62. The Declaration of Independence of Venezuela

[Caracas, July 5, 1811. *The Annual Register or View of the History, Politics, and Literature of the Year 1811* (1812), 331–335. Printed for W. Ortridge and Son, London.]

The provincial congress of Venezuela began its sessions early in March, 1811. It was composed of about fifty members, from the provinces of Caracas, Cumaná, Barinas, Margarita, Barcelona, Mérida, and Truxillo. After the congress had formally opened its sessions Francisco de Miranda became a member of it, as a delegate from Pao, in the province of Barcelona. Simón Bolívar was not a member. By his wide experience, ability, and assertiveness Miranda soon became a very influential member of the congress. He had been and was a very powerful figure in the Patriotic Society of Caracas, and early in the discussions of the congress he began to take a stand in favor of absolute and complete independence of the provinces of Venezuela. When the question came up for consideration he became its most powerful champion. He was not, however, a member of the committee to draw up the declaration of independence. That duty and honor fell to Juan G. Rosio of Calabozo, from the province of Caracas, and to Francisco Iznardi, secretary of the congress. The document as drawn up by them was adopted. The final act of declaring the independence was approved on July 7, 1811.

In the Name of the Most High

We, the representatives of the federal provinces of Caracas, Cumana, Barinas, Margalta, Barcelona, Merida, and Truxillo, constituting the confederation of Venezuela, on the southern continent of America, in Congress assembled; considering, that we have been in the full and entire possession of our natural rights since the 19th of

April, 1810, which was re-assumed in consequence of the transaction at Bayonne, the abdication of the Spanish throne, by the conquest of Spain, and the accession of a new dynasty, established without our consent: while we avail ourselves of the rights of men, and to which we are restored by the political revolutions in human affairs, think it becoming to state to the world the reasons by which we are called to the free exercise of the sovereign authority.

We deem it unnecessary to insist upon the unquestionable right which every conquered country holds to restore itself to liberty and independence: we pass over in a generous silence, the long series of inflictions, oppressions, and privations, in which the fatal law of conquest has indiscriminately involved the discoverers, conquerors, and settlers, of these countries; whose condition has been made wretched by the very means which should have promoted their felicity: throwing a veil over three centuries of Spanish dominion in America, we shall confine ourselves to the narration of recent and well-known facts, which prove how much we have been affected; and that we should not be involved in the commotions, disorders, and conquests which have divided Spain.

The disorders in Europe had increased the evils under which we have suffered, by obstructing complaints and frustrating the means of redress; by authorizing the governors placed over us by Spain, to insult and oppress us with impunity, leaving us without the protection or support of laws.

It is contrary to the order of nature, impracticable in relation to the government of Spain, and has been most afflicting to America, that territories so much more extensive, and a population incomparably more numerous, should be subjected and dependent on a peninsular corner of the European continent.

The cession and abdication made at Bayonne, the transactions[1] at the Escurial and at Aranjuez, and the orders issued by the Imperial Lieutenant, the Marshal Duke Berg, in America, authorized the exercise of those rights, which till that period the Americans had sacrificed to the preservation and integrity of the Spanish nation.

[1] It was by these transactions that the rule of Manuel Godoy, the Prince of Peace, came to an end. He was captured during the riot at Aranjuez in March, 1808. Charles IV abdicated on the 19th, and at Bayonne both he and his son Ferdinand VII abdicated at the demand of Napoleon I.

The people of Venezuela were the first who generally acknowledged, and who preferred that integrity; never forsaking the interests of their European brethren, while there remained the least prospect of salvation.

America had acquired a new existence; she was able and was bound to take charge of her own safety and prosperity; she was at liberty to acknowledge or to reject the authority of a King who was so little deserving of that power as to regard his personal safety more than that of the nation over which he had been placed.

All the Bourbons who concurred in the futile stipulations of Bayonne, having withdrawn from the Spanish territory contrary to the will of the people, abrogated, dishonoured, and trampled upon all the sacred obligations which they had contracted with the Spaniards of both worlds, who with their blood and treasures had placed them on the throne, in opposition to the efforts of the house of Austria: such conduct has rendered them unfit to rule over a free people, whom they disposed of like a gang of slaves.

The intrusive government, which have arrogated to themselves the authority which belongs only to the national representation, treacherously availed themselves of the known good faith, the distance, and effects which ignorance and oppression had produced among the Americans, to direct their passions against the new dynasty which had been imposed upon Spain; and, in opposition to their own principles, kept up the illusion amongst us in favour of Ferdinand, but only in order to baffle our rational hopes, and to make us with greater impunity their prey: they held forth to us promises of liberty, equality, and fraternity, in pompous discourses, the more effectually to conceal the snare which they were insidiously laying for us by an inefficient and degrading shew of representation.

As soon as the various forms of the Spanish government were overthrown, and others had been successively substituted, and imperious necessity had taught Venezuela to look to her own safety, in order to support the King, and afford an asylum to their European brethren against the calamities by which they were menaced, all their former services were disregarded; new measures were adopted against us, and the very steps taken for the preservation of the Spanish government were branded with the titles of insurrection, perfidy, and ingratitude; but only because the door was closed against a monopoly

of power, which they had expected to perpetuate in the name of a King whose dominion was imaginary.

Notwithstanding our moderation, our generosity, and the purity of our intentions, and in opposition to the wishes of our brethren in Europe, we were declared to the world in a state of blockade; hostilities were commenced against us; agents sent among us to excite revolt, and arm us against each other; whilst our national character was traduced, and foreign nations excited to make war upon us.

Deaf to our remonstrances, without submitting our reasons to the impartial judgment of mankind, and deprived of every other arbitrement but that of our enemies, we were prohibited from all intercourse with our brethren; and, adding contempt to calumny, they undertook to appoint delegates for us, and without our consent, who were to assist at their Cortes, the more effectually to dispose of our persons and property, and render us subjects to the power of our enemies.

In order to defeat the wholesome measures of our national representation, when obliged to recognize it, they undertook to reduce the ratio of our population, submitting the forms of election to servile committees acting at the disposal of arbitrary rulers; thus insulting our inexperience and good faith, and utterly regardless of our political importance or our welfare.

The Spanish government, ever deaf to the demands of justice, undertook to frustrate all our legitimate rights, by condemning as criminals, and devoting to the infamy of the gibbet, or to confiscation and banishment, those Americans who at different periods had employed their talents and services for the happiness of their country.

Such were the causes which at length have impelled us to look to our own security, and to avert those disorders and horrible calamities, which we could perceive were otherwise inevitable, and from which we shall ever keep aloof; by their fell policy they have rendered our brethren insensible to our misfortunes, and have armed them against us; they have effaced from their hearts the tender impressions of love and consanguinity, and converted into enemies many members of our great family.

When, faithful to our promises, we were sacrificing our peace and dignity to support the cause of Ferdinand of Bourbon, we saw that to the bonds of power by which he united his fate to that of the Emperor of the French, he added the sacrifice of kindred and friends;

and that on this account the existing Spanish rulers themselves have already resolved to acknowledge him only conditionally. In this painful state of perplexity, three years have elapsed in political irresolution, so dangerous, so fraught with evil, that this alone would have authorised the determination which the faith we had pledged and other fraternal attachments had caused us to defer, till imperious necessity compels us to proceed further than we had first contemplated; but, pressed by the hostile and unnatural conduct of the Spanish rulers, we are at length absolved from the conditional oath which we had taken, and now take upon us the august sovereignty which we are called here to exercise.

But as our glory consists in establishing principles consistent with human happiness, and not erecting a partial felicity on the misfortunes of our fellow mortals, we hereby proclaim and declare, that we shall regard as friends and companions in our destiny, and participators of our happiness, all those who, united by the ties of blood, language, and religion, have suffered oppression under the ancient establishments, and who shall assert their independence thereof, and of any foreign power whatsoever; engaging that all who cooperate with us shall partake in life, fortune, and opinion; declaring and recognizing not only these, but those of every nation, in war enemies, in peace friends, brethren and fellow-citizens.

In consideration, therefore, of these solid public and incontestable motives, which force upon us the necessity of reassuming our natural rights, thus restored to us by the revolution of human affairs, and in virtue of the imprescriptible rights of every people to dissolve every agreement, convention, or social compact, which does not establish the purposes for which alone all governments are instituted, we are convinced that we cannot and ought not any longer to endure the chains by which we were connected with the government of Spain; and we do declare, like every other independent people, that we are free, and determined to hold no dependance on any potentate, power, or government, than we ourselves establish; and that we now take among the sovereign nations of the earth the rank which the Supreme Being and nature have assigned to us, and to which we have been called by the succession of human events, and by a regard for our own happiness.

Although we foresee the difficulties which may attend our new situation, and the obligation which we contract by the rank which we are about to occupy in the political order of the world; and above all, the powerful influence of ancient forms and habits by which (to our regret) we have been hitherto affected — yet we also know, that a shameful submission to them, when it is in our power to shake them off, would prove more ignominious to ourselves, and more fatal to posterity, than our long and painful servitude. It therefore becomes our indispensable duty to provide for our security, liberty, and happiness, by an entire and essential subversion and reform of our ancient establishments.

Wherefore, believing, for all these reasons, that we have complied with the respect which we owe to the opinions of mankind, and to the dignity of other nations with whom we are about to rank, and of whose friendly intercourse we assure ourselves, —

We, the representatives of the confederated provinces of Venezuela, invoking the Most High to witness the justice of our cause, and the rectitude of our intentions; imploring his divine assistance to ratify at the epoch of our political birth, the dignity to which his Providence has restored us, the ardent desire to live and die free, and in the belief and the defence of the Holy Catholic and apostolic religion of Jesus Christ, as the first of our duties, —

We, therefore, in the name, by the will, and under the authority which we hold for the virtuous people of Venezuela, do solemnly declare to the world, that these united provinces are, and ought to be, from this day forth, in fact and of right, free, sovereign, and independent states; that they are absolved from all allegiance and dependance on the crown of Spain, and of those who now call, or may hereafter call themselves its representatives or agents: and that, as free, sovereign, and independent states, we hold full power to adopt whatever form of government may be deemed suitable to the general will of its inhabitants: to declare war, make peace, form alliances, establish commercial treaties, define boundaries, and regulate navigation, and to propose and execute all other acts usually made and executed by free and independent nations; and for the due fulfilment, validity, and stability of this our solemn declaration, we mutually and reciprocally pledge and bind the provinces to each other, our lives, fortunes, and the honour of the nation.

Done at the federal palace of the Caracas, signed with our hands, and sealed with the great seal of the provincial confederation, and countersigned by the secretary to the congress assembled, on the 5th day of July, in the year 1811, and in the first of our independence.

Representatives

J. Ant. Rodrigues Dominiques, President of Nutrion, in the province of Barinas.

Luis Ignacia Mendoza, Vice-President of Obispos, in the province of Barinas.

Province of Caracas

Isidora Antonia Lopez Mendez, for Caracas.
Juan G. Rosio, for Calabozo.
Felipe F. Paul, for St. Sebastian.
Franciscon X. de Ustariz, for St. Sebastian.
Nicholas de Castro, for Caracas.
Fernando de Penaever, for Valencia.
Gabriel Perez Pagola, for Villa de Orpino.
Salvador Duegado, for Nirgua.
El Marquis del Toro, for Tocuyo.
Juan Antonio Diaz Aagote, for Villa de Cura.
Gabriel de Pontè, for Caracas.
Juan Jose Maya, for San Felipe.
Luis Jose Cazorla, for Valencia.
Dr. Ticente Unda, for Guanare.
Francisco X. Yanes, for Ataure.
Ferando Toro, for Caracas.
Martin Torar Ponte, for St. Sebastian.
Juan Toro, for Valencia.
Jose Angel Alamo, for Barquisimeto.
Francisco Hernandez, for St. Carlos.
Linode Clemento, for Caracas.

Province of Cumana

Francisco X. Marez, for Capital.
Jese G. Aloala, for Capital.
Juan Bermudez, for Sur.
Mariano de la Eova, for Norte.

Province of Barcelona

Francisco de Miranda, for Pao.
Francisco Policarpo Ortiz, for S. Diego.

Province of Barinas

Juan N. Quintana, for Achaguas.
Ignacio Fernandez, for Capital.
Ignacio Ramon Brizeno, for Pedraza.
Jose de Sata Y. Busy, for S. Fernando de Apure.
Jose Luis Cabrera, for Guanacito.
Ramon Y. Mendez, for Guasdualito.
Manuel Palacio, for Mijagual.

Province of Margarita

Manuel P. Maneyro, for Margarita.

Province of Merida

Antonio Nicolas Brizena, for Merida.
Manuel V. Maya, for Grita.

Province of Truxillo

Juan P. Pachece, for Truxillo.

Villa of Aragua and Province of Barcelona

Jose Maria Ramirez.

A true copy (L.S.)
FRANCISCO IZNARDI, *Sec.*

63. Official Account of the Execution of the Mexican Insurgents

[November 23, 1811. *The Havana Messenger.* Reprinted in *Niles's Weekly Register,* II, 59–60. Published, 1813.]

Señor Ochoa's account is incomplete; it should have contained the added statement that the heads of Hidalgo, Allende, Aldama, and Jiménez were sent to Guanajuato and suspended in iron cages at the four corners of the Alhóndiga. Their bodies were buried in the Franciscan chapel in Chihuahua, where they remained until 1823. In that year the congress of Mexico by an express act ordered the remains, with the skulls, to be taken to the Cathedral of Mexico City for interment. This interment took place, amid great dignity and solemn honors, in the Capilla de los Reyes. By this action the nation paid appropriate honors to four of its great pioneers in the movement for political independence. They lie in the halls of the great of Mexico, for Los Reyes is the burial place of the viceroys and of many of the presidents of the republic.

Guadalaxara. 16th September, 1811 — By order of his excellency, the general in chief of the army of reserve, don Josef de la Cruz, the committee of public safety of this capital, informs the inhabitants of the city and province, that it has received the following list of the principal chiefs of the insurrection which have been shot in Chihuahua at the different periods hereinafter mentioned.

On the 10th of May, 1811 — Ignacio Camargo, major general; Juan Baurista Carrasco, brigadier; Augustin Marrequin, hangman.

On the 11th of the same month — Francisco Lauzagorta, major general; Luis Mircles, colonel.

On the 6th of June — Juan Ignacio Ramon, captain; Nicolas Zapata, major general; Joseph Santos Villa, colonel; Pedro Leon, town master.

On the 26th of June — Ignacio Allende, generalissimo; Mariano Ximenez, captain general and governor of Monterey; Juan de Aldama, lieutenant general.

On the 27th of said month — Joseph Maria Chico, lawyer; Joseph Solis, intendant of the army of the insurgents; Vicente Valencia; Onofre Portugal, brigadier general.

On the 27th July, 1811 — The Curate HIDALGO, chief of the *rebellion.*

The following were sentenced to hard labour: Andres Molano, during life: Aranda, Jacinto, Morina, Charles, Martinez, Ignacio, Maldonado, and Abasolo, for ten years at Encinills; their estates confiscated and their descendants attainted.

Town of Xeres, 5th September, 1811.

(Signed) JOSEF MANUEL DE OCHOA

64. LETTER FROM GENERAL BOLÍVAR TO GOVERNOR HODGSON

[Headquarters of Valencia, October 2, 1813. *British and Foreign State Papers*, I, Part II, 1247–1253. Published by the British Foreign Office.]

General Simón Bolívar, in the letter to the governor of Curaçao, explained in detail the reasons for resorting to the barbarous practice of "War to the Death." It was not until 1821 that this practice was finally abandoned.

Most Excellent Sir:

I have the honour to reply to Your Excellency's letter of the 4th of September last, which I only received the day before yesterday, delayed no doubt, by causes of which I am ignorant, in its passage from the Island to the Port of Guayara.

The deference which is always due from me to an Officer of the British Nation, and the honour of the American Cause, impose upon me the sacred obligation of explaining to Your Excellency the lamentable origin of the line of conduct[1] which, much against my inclination, I pursue towards those Spaniards who during the last year have desolated Venezuela, perpetrating crimes the enormity of which should consign them to eternal oblivion, if the necessity of justifying in the eyes of the World the "War to the Death" which we have adopted, did not oblige us to drag the facts forth from the obscurity of the horrid dungeons which conceal them, in order to exhibit them to Your Excellency.

A Continent richer and more populous than Spain, from which it is separated by immense Seas, and by which it has been subjected for 3 centuries to a degrading and tyrannical state of dependence, upon learning in the year 1810 the dissolution of the Government of Spain

[1] The proclamation of "War to the Death" of June 14, 1813, is given in O'Leary's *Memorias del General O'Leary*, XXVII, 127–129.

by the occupation of the French Armies, put itself in motion in order to preserve itself from a similar fate, and to escape the anarchy and confusion by which it was menaced. Venezuela was the first to establish a Junta, which should preserve the Rights of Ferdinand VII until the results of the War were known: it offered to the Spaniards who were desirous of emigrating a fraternal asylum; it invested many of them with the Supreme Magistracy, and retained in their posts all whose employments were of most influence and importance, — evident proofs of the spirit of union which animated the Venezuelans; a disposition but ill responded to by the Spaniards, who all, generally speaking, abused the confidence and generosity of the Nation by the blackest perfidy.

It was, indeed, from the force of irresistible necessity, that Venezuela adopted this measure. In circumstances less critical the Provinces of Spain, by no means so important as Venezuela, had established Government Juntas in order to preserve themselves from disturbances and tumults. And ought not Venezuela equally to secure herself from so many calamities, and protect her very existence against the rapid changes of Europe? Was not the allowing her to remain exposed to the convulsions which the want of a recognized Government could not fail to occasion, inflicting a serious injury upon the Spaniards of the Peninsula; and ought not these latter to be grateful for the sacrifices we made in order to insure them an inviolable asylum? Could any one have imagined that the return for such generosity was, a rigorous blockade and merciless hostilities?

Venezuela, persuaded that Spain had been completely subjugated, as was also believed in the other parts of America, took that step, which it might have taken with equal propriety long before; a step authorized by the example of the Provinces of Spain, to which it was declared to be equal in rights and political representation. The Regency immediately followed, which established itself with much tumult in Cadiz, the only point to which the French Eagles had not penetrated; and from that moment it fulminated its destructive decrees against Free People, who, without any obligation so to do, had kept up their relations with, and preserved themselves as integral parts of, a Nation of whom they were naturally independent. Such was the generous spirit which animated the first Revolution of America, a Revolution alike free from blood, hatred, or vengeance. Was it not

in the power of the Citizens of Venezuela, Buenos Ayres, and New Granada, to have manifested just resentment for injuries and wrongs so deep, and to have swept away all those Viceroys, Governors, and Regents; all those Tyrants and Destroyers of their own species, who, taking delight in the destruction of Americans, caused the most illustrious and virtuous Citizens to perish in loathsome dungeons, despoiled the honest Man of the fruits of his labour, and, in general, did their utmost to destroy industry, the peaceful arts, and whatever could alleviate the horrors of our slavery?

For 3 Centuries America groaned beneath this, the most ferocious tyranny which ever cursed the human race. For 3 Centuries has she bewailed the existence of those fatal riches, which held forth such attractions to her Oppressors: and when a just Providence furnished her with an unhoped-for opportunity of breaking her chains, so far from her taking vengeance for these outrages, she presented the hand of Peace to her Enemies, and offered to share with them her wealth and her security.

When almost all the Regions of the New World are engaged in a cruel and destructive War; when even the Cottager is maddened by the fury of discord; when sedition kindles the devouring flame of War, even in remote and solitary Villages, and the fields of America are dyed with human blood; an inquiry naturally arises as to the cause of so dismal a catastrophe in this peaceful Continent, whose worthy and docile Children have ever been a rare example of mildness and submission, such, indeed, as cannot be paralleled in the history of any other Nation on the face of the Globe.

In the ferocious Spaniard, vomited forth upon the Coasts of Colombia, for the purpose of converting the most beautiful portion of Nature into one vast and odious empire of cruelty and rapine, Your Excellency will behold the audacious Author of the tragic scenes which we so deeply lament. Death and desolation signalized his entrance into the New World: he quickly exterminated the original race; and when his rabid rage found no more Natives to destroy, he turned it against his own posterity, who were settled in the Country which he had usurped.

Behold him infuriated by his thirst for blood, contemning all that is most sacred; behold him sacrilegiously trampling under foot Treaties, which are respected by the whole civilized World, and which

have received an inviolable authority from the practice of every State and every Nation. A Capitulation, made last year, ceded to the Spaniards all the independent Territory of Venezuela: an absolute and peaceful submission on the part of the Inhabitants must have convinced the former that the pacification was complete; and that the People entirely renounced all their former pretensions. But at the very time that Monteverde swore to the Venezuelans that he would religiously observe all the promises he had made them, they witnessed with shame and terror the most barbarous and impious infraction of them: their Towns pillaged; their dwellings burnt; their Women outraged; the largest Cities enclosed, as it were, in one mass, and converted into vast and horrible prisons; thus realizing that which had hitherto been deemed impossible, the incarceration of an entire People. In fact, none but those beings whose obscurity was their protection from the Tyrant preserved a wretched liberty, being reduced to live in solitary huts, in the midst of woods and wild beasts.

How many respectable old Men, how many venerable Priests, were seen chained to large blocks of wood, or subjected to other infamous modes of confinement; confounded with the vilest Criminals, and exposed to every insult from a brutal Soldiery, and the dregs of the Population! How many expired, sinking beneath the weight of chains too heavy to be borne; deprived of common necessaries, and worn out by hunger and suffering! At the very time that the Spanish Constitution was proclaimed as the ægis of civil liberty, hundreds of Victims were dragged, manacled and fettered, into loathsome and pestiferous dungeons, without any reason being assigned for so tyrannical an act, and without even the family or political opinions of the unfortunate Victims being known.

Your Excellency has here presented to you a picture of Spanish tyranny in America, without exaggeration: a picture such as has never been seen before, and which, at one and the same time, arouses indignation against the Oppressor, and the most just and lively pity for the Victim. But no compassionating soul then interceded for suffering humanity, or demanded the fulfilment of a Treaty in which the whole World was interested! Your Excellency now interposes your valued Mediation in favour of the ferocious Perpetrators of so many enormities. Your Excellency must give me credit for my assertions. When the Troops of New Granada marched forth to avenge

the deep injuries which had been inflicted upon Nature and Society, neither the instructions of that benevolent Government, nor my own intentions, were to exercise the right of reprisals upon the Spaniards, although they delivered over all the Americans worthy of that name, whom they stigmatized as Insurgents, to an infamous death, or to tortures still more infamous and cruel. But when these tigers in human form made a mockery of our clemency, and, secure of impunity, persevered, even when conquered, in the same sanguinary ferocity; then, indeed, in order to accomplish the holy mission entrusted to my responsibility, in order to save the menaced lives of my Fellow-Citizens, I did violence to my natural feelings, and at once abandoned a clemency injurious to the safety of my Country.

Allow me to recommend Your Excellency to read the Letter of the ferocious Zerveris, the idol of the Spaniards in Venezuela, to General Monteverde, as contained in the Caraccas Gazette, No. 3; and Your Excellency will discover in it the sanguinary plans, the accomplishment of which has called forth all the energies of these wicked Men. Having had previous intelligence of their inhuman intention, which has been confirmed to the very letter by severe experience, I resolved to carry into effect the "War to the death," in order to deprive the Tyrants of the important advantages which their destructive system secured to them.

And, in fact, upon the opening of the Campaign in the Province of Barinas by the Liberating Army, Colonel Antonio Nicholas Briseño and other honourable Officers received the melancholy information, that the barbarous and cowardly Tiscar had caused no less than 16 Prisoners to be shot. Similar atrocities took place simultaneously in Calabozo, Espino, Cumana, and other Provinces, accompanied by such circumstances of inhumanity in the execution, that I should think it alike unworthy of Your Excellency and of this Communication to describe such abominable scenes.

Your Excellency may also see a feeble sketch of the inhuman acts in which Spanish cruelty indulged itself, in the same Gazette, No. 4. The general massacre rigorously executed in the peaceful Town of Aragua by order of the most brutal of Men, the detestable Zuazola, is one of those sanguinary paroxysms, which have only once or twice disgraced humanity. Men and Women, old and young, deprived of their ears and flayed alive, were immediately cast into venomous lakes,

or put to death by slow and agonizing torments. Nature was attacked in its innocent origin, the yet unborn fœtus being destroyed in its Mother's womb by the cut of the sabre or the thrust of the bayonet.

The barbarian Antoñauzas and the bloodthirsty Boves enacted scenes equally agreeable to the Spaniards, in San Juan de los Moros, the Inhabitants of which were quiet and inoffensive, and wholly occupied in agriculture. Even now may be seen in its fields the bodies of these unfortunates hanging from the trees. The Genius of Crime appears to hold there its empire of death, and no one can approach the spot without feeling his breast swell with all the fury of implacable vengeance.

Venezuela has not alone been the fatal theatre of these horrible butcheries. The opulent Mexico, Buenos Ayres, Peru, and the unfortunate Quito, may be compared to so many vast Cemeteries, in which the Government of Spain piles up the bones of the Victims who have perished beneath its murderous axe. Your Excellency may also see in the Gazette, No. 2, in what a Spaniard makes the honour of his Nation to consist. The Letter of Fr. Vicente Marquetich affirms, that the sword of Regules has, in the field and on the scaffold, immolated 12,000 Americans in the course of one year only: and it attributes the glory of the Seaman Rosendo Portier to his universal principle, of not giving quarter "even to the Saints themselves," should they appear in the garb of Insurgents.

I will not afflict the sensibility of Your Excellency by extending the picture of the fearful agonies which Spanish barbarity has inflicted upon Humanity, in order to establish an unjust and disgraceful Tyranny over the well-intentioned Americans. Would to God that an impenetrable veil could for ever conceal from the view of Man, the enormities perpetrated by his Fellow-beings! Would to God that a stern necessity did not make it our imperative duty to exterminate these treacherous and dastardly Assassins!

Let your Excellency be pleased to imagine yourself placed for one moment in our situation, and then declare what is the course to be pursued with our Oppressors. Let your Excellency decide whether the liberty of America is compatible with the existence of such obstinate Enemies. Every day's experience showed the necessity of having recourse to the severest measures; and I can assure your Excellency, that Humanity herself, with mild authority, dictated the same course.

Impelled by feelings, too strong to be resisted, to exercise clemency towards many of the Spaniards, they have been generously allowed to remain amongst us in perfect liberty, not even their Leader being brought beneath the avenging axe; yet these very Men have excited the direst commotions among these unfortunate People, and their recent atrocities equal, perhaps, in horror and wickedness, all that have been before perpetrated. In the valleys of Tuy and Tacota, and in the Countries of the West, to which places it did not appear probable that the Civil War would extend its desolating ravages, they have raised withering and lamentable monuments of their rabid cruelty. Harmless Females, tender Children, and aged Individuals of both sexes, have been found flayed alive, their eyes destroyed, and their bowels torn from their bodies. Actions like these must lead us to conclude that the Tyrants of America belong not to the human species. It would be in vain to grant a Passport for your Colony, or for any other place beyond the limits of Venezuela, in favour of those who are now incarcerated: experience has demonstrated the fatal consequences with which such an act of clemency would be fraught; how injurious it would prove to the public tranquillity; since it may be truly asserted that almost all those who had obtained a Passport, have, in consequence of the Oaths by which they bound themselves, immediately proceeded to land on places in the Enemy's possession, for the purpose of enlisting in the Bands of Assassins which infest the undefended Towns and Villages. Even in the depths of their dungeons they concoct subversive projects, more fatal indeed to themselves than to the Government, which is obliged to employ its power, rather in repressing the fury manifested by zealous Patriots against those who threaten them with death, than in frustrating the machinations of their fallen Tyrants.

Your Excellency can now therefore decide: either the Americans must tamely allow themselves to be exterminated, or they must destroy an iniquitous race, which, so long as it has breath, will never cease its efforts to accomplish our destruction.

Your Excellency has not been mistaken in attributing to me compassionate feelings: the same characterize all my Fellow-Citizens. We could be indulgent with the Caffres of Africa; but the Spanish Tyrants force us, even against the strongest convictions of our hearts, to make reprisals. American justice will, however, always know how

to distinguish the innocent from the guilty; and Your Excellency may rely upon the latter being treated with the humanity which is due even to the Spanish Nation.

I have the honour to be, &c.,

SIMÓN BOLÍVAR.

H. E. The Governor of the Island of Curaçoa.

65. ROYAL CÉDULA OF HIS CATHOLIC MAJESTY FOR THE PREVENTION OF THE SLAVE TRADE

[Madrid, December 19, 1817. *British and Foreign State Papers*, IV, 68–74. Published by the British Foreign Office.]

Negro slavery was introduced into the Indies early in the sixteenth century. More than a hundred negro slaves were bought in 1510 for exportation to the Spanish colonies in the New World. This marks, according to Bourne,[1] the beginning of the African slave trade in America. The trade was not free in the sixteenth century, however, licenses for it having to be obtained from the Spanish government. This contract system, known as the *asiento de negros*, was introduced by Spain in 1517 and continued for more than two hundred and fifty years. It is estimated that fully seven hundred thousand negro slaves were introduced into the Indies in two centuries. In 1808 Humboldt estimated the number of negro slaves there at seven hundred and seventy-six thousand. The question of the immediate abolition of the slave trade in Spain and her possessions was discussed in the Council of the Indies early in 1816. In that year the members of the Council opposed to the immediate abolition of this trade gave their reasons in a lengthy report.[2] To this the majority of the Council of the Indies replied again, stating their views in favor of the immediate abolition of the

[1] *Spain in America*, 270. Dr. Bourne devotes considerable space in his book to a treatment of the whole subject of negro slavery. Consult also J. S. Thrasher's *Island of Cuba by Alexander Humboldt* (1856) for an interesting account of negro slavery in the island of Cuba.

[2] Consult *British and Foreign State Papers*, IV, 536–543. The report is there given in full.

slave trade.[1] Expediency and the absence of any prejudice against immediate abolition demanded that Spain adopt a policy different from that of Portugal, the United States of North America, and Great Britain. These countries, guided by public opinion and public interest, had adopted a scheme of gradually abolishing negro slavery. Finally Ferdinand VII issued the decree here given in full.

THE KING

The importation of Black Slaves into America was among the earliest Measures directed by my August Predecessors, for the cultivation and prosperity of those vast Dominions, within a short period after their discovery. The Indians being disqualified from engaging in various useful, though laborious occupations, by their ignorance of the accommodations of life, as well as by the small progress of civilization among them, it became necessary to intrust to arms more vigorous and more active the working of the mines, and the breaking up and tillage of the soil. This plan, which did not occasion, but only availed itself of, the slavery already practised by the barbarous Nations of Africa, with a view to save their Prisoners from death, and to alleviate their melancholy condition, so far from being prejudicial to the Negroes of Africa, when transferred to America, afforded them not only the incomparable benefit of being instructed in the knowledge of the true God, and of the only Religion through which that Supreme Being is desirous that His Creatures should adore Him, but also all the advantages attending a state of civilization, without, however, subjecting them in their slavery to hardships more intolerable than those they had endured when free in their own Country. But as the novelty of this System required great circumspection in its execution, the introduction of Black Slaves into America depended always on particular Permissions granted by my August Predecessors, according to the circumstances of places and times, until it was generally permitted to import Negroes, in National Vessels as well as Foreign, by the Royal Cedulas of the 28th of September, 1789; of the 12th of April, 1798; and of the 22d of April, 1804; in each of

[1] Consult *British and Foreign State Papers* (IV, 543–549) for the reply of the majority of the members of the Council of the Indies, favoring immediate abolition of the slave trade.

which, different Periods for that importation were appointed; all which clearly indicated that the Christian wisdom of the Kings uniformly considered these Measures as exceptions to a Law, which was liable to undergo modifications according to circumstances. The term granted on the 22d of April, 1804, was not yet elapsed, when Divine Providence reinstated me in the Throne to which it has destined me, and of which an unjust Usurper perfidiously attempted to despoil me. The commotions and differences which had broken out in my American Dominions during my absence, engaged immediately my sovereign attention; and meditating incessantly on the Measures which might be most proper for restoring good order to those remote Countries, and affording them all the protection of which they were capable, I quickly discovered that an entire change had taken place in the circumstances which induced my August Predecessors to permit the Traffic in Bozal Slaves on the African Coasts, and their importation into both the Americas. In those Regions, a prodigious increase is perceivable in the number of indigenous Negroes, and even in that of the Blacks of free condition, owing to the mildness of the Government, no less than to the christian and humane conduct pursued by the Spanish Proprietors; the Whites, also, are greatly augmented, from the Climate being no longer so dangerous to them as it was prior to the lands being cleared of Wood, and put under cultivation. Nor is the benefit which the Inhabitants of Africa derived from being carried to cultivated Countries any more so urgent and exclusive, since an enlightened Nation has undertaken the glorious task of civilizing them in their own Native land, while the general intelligence of Europe, and the spirit of humanity which has influenced its late transactions, in restoring the edifice which the corrupt policy of the Usurper had destroyed to its very foundation, have roused the Sovereigns of Europe to a general effort for having this Traffic abolished; and at the Congress of Vienna, concurring in the necessity of the abolition, they sought to bring it about by the most amicable Negotiations with such Powers as possessed Colonies, and they met in me a disposition suited to a design so laudable. These considerations impelled my Royal mind to procure information from Persons at once acquainted with the subject, and anxious for the prosperity of my Dominions, as to what effects were likely to be produced in the latter by the abolition of the Slave Trade. Being desirous to ensure success in a matter so

momentous and so grave, I transmitted their information to my Council of the Indies, with the Royal Order of the 14th of June, 1815, to give me such an opinion as the merits of the case should justify.

After collecting all these copious materials, after taking a survey of the former steps adopted on this subject, and after considering what the Supreme Tribunal just mentioned has stated to me, in its Exposition of the 15th of February, 1816; acting, moreover, on the confidence which I have reposed in that Body, and conforming myself with its advice relative to the Abolition of the Traffic in Slaves; having also agreed with the King of the United Kingdom of Great Britain and Ireland, by means of a solemn Treaty, on all the points of reciprocal interest involved in this memorable adjustment; and being aware that the moment for the abolition is arrived, in consequence of the interests of my American States being in accordance with the sentiments of my Royal mind, as well as with the desires of all the Sovereigns, my Friends and Allies; I have resolved as follows:

ART. I. From this day forward, I prohibit, for ever, to all my Subjects, both in the Peninsula and in America, to resort to the Coasts of Africa, North of the Equator, for the purchase of Negroes. All the Blacks bought on those Coasts shall be declared free, in the first Sea-Port of my Dominions at which the Vessels containing them shall arrive; that Vessel, together with her remaining Cargo, shall be confiscated for my Royal Treasury, and the Purchaser, the Captain, the Master, and the Pilot, shall, without fail, be sentenced to 10 years' confinement in some Fortress of the Philippine Islands.

II. The penalty assigned in the preceding Article does not apply to the Purchaser, Captain, Master and Pilot, of such Vessels as shall sail from any Port of my Dominions for the Coasts of Africa, North of the Equator, previous to the 22nd of November of the present year — to which Persons I grant the further term of 6 months, to be computed from the above date, for the conclusion of their Expedition.

III. From the 30th of May, 1820, I forbid likewise all my Subjects in the Peninsula, as well as in America, to proceed to the Coasts of Africa, South of the Equator, for the purchase of Negroes, under the same penalties as are pronounced in the 1st Article of this Royal Cedula; granting also the term of 5 months from the date before mentioned, for the completion of their voyages, to those Vessels that shall have duly obtained permission, prior to the said date of the 30th of

May, 1820, at which time the Slave Trade shall cease entirely in all my Dominions in Spain, as well as in America.

IV. Those who, under the license issued by me, till the 30th of May, 1820, shall buy Negroes on the Coasts of Africa, South of the Equator, shall not be allowed to take on board more Slaves than 5 for every 2 tons of the burden of their Vessel; and if any one transgress this regulation, he shall forfeit all the Negroes he may have on board, who shall be declared free in the first port of my Dominions at which the Vessel arrives.

V. In the proportion of 5 Negroes to every 2 tons, shall not be comprehended those born during the Voyage, nor such as shall serve on board in the capacity of Sailors or Servants.

VI. Foreign Vessels importing Slaves into any Port of my Dominions, shall conform to the Rules laid down in this my Royal Cedula, and, in case of contravention, they shall incur the Penalties specified in the same.

And it being my Royal determination that all the above should be circulated in my Dominions of America and Asia, for the purpose of its punctual observance, I communicated it to my Supreme Council of the Indies, by means of a Decree, signed with my Royal Hand, under date of 22nd of last September; and it having been published by that Tribunal on the 1st Instant, the fulfilment of it was decreed; as likewise, that with a view to the same end, this my Royal Cedula should issue, by which I enjoin my Viceroys, Presidents, Tribunals, Commandants-General, Governors and Intendants of the Indies, of the Islands contiguous to them, and of the Philippines, to watch over, comply with, and execute, and to cause to be watched over, complied with, and executed, all that has been ordered in this my Sovereign determination, without contravening, or permitting to be contravened, its tenor in anywise; and to have it published as a Cedula to the same effect, not only in the Capitals, but also in other chief Towns of their respective Districts; and, furthermore, to communicate it, each in his Territory, to the Tribunals, Justices, Authorities, and Persons on whom its fulfilment shall in any way be incumbent.

And this my Royal Cedula shall be attended to in the Accomptant's Offices General of my said Council.

Done at Madrid, the 19th of December, 1817.

I, THE KING

By Command of Our Lord The King,

ESTEBAN VARÉA

66. The Address of Simon Bolívar at the Congress of Angostura

[February 15, 1819. *An Address of Bolívar at the Congress of Angostura. Reprint ordered by the Government of the United States of Venezuela, to Commemorate the Centennial of the Opening of the Congress.* Translated by Francisco Javier Yánes and published by Byron S. Adams, Washington, 1919. Reprinted by permission of Dr. L. S. Rowe, director general of the Pan American Union, and of the publisher.]

The Second Constituent Congress of Venezuela was called by Bolívar to meet at Angostura. It began its sessions in that place (today called Ciudad-Bolívar) on February 15, 1819. The "Liberator" submitted to this body a project for a constitution, introducing it with a long speech.[1] In the introduction to the Reprint there is an excellent treatment of the political ideas expressed by Bolívar at the congress of Angostura. The following paragraph may be quoted in full. "At the opening of the Congress, Bolívar submits his report as to the exercise of the authority vested in him, which he surrenders to the Representatives of the People. Having thus become a plain citizen, exalted because of the services rendered by him to the country and by his experience in such service, he addresses those in whose hands rests the future of the Nation, and frankly asks of them all that he deems indispensable for the stability and happiness of Venezuela. He delves into history to find that the success of a government does not lie so much in its extrinsic form as in its harmonious relations with the people to be guided and led. Thus, even in praising with sincere enthusiasm the excellent features of democracy, he does not fail to admit that democracy is not *per se* the only factor in the welfare of nations; this must be sought for in something more permanent and deep than the outward form of a system of government. His conception of a political ideal is condensed in this doctrine: 'the most perfect system of government is that which gives the greatest

[1] The speech will be found in full in O'Leary's *Memorias del General O'Leary*, XXVII, 493–516.

possible sum of happiness, the greatest sum of social security, and the greatest sum of political stability.' But it is not possible to attain these ends when the status of the men for whom legislation is made, has been disregarded. Thus, after making an ingenuous analysis of the population of Venezuela, pointing out its characteristics, Bolívar emphatically advises against the thoughtless copying of the institutions of other peoples, no matter how far advanced they may be in the matter of pure doctrine, and demands original measures to meet the needs of the people of Venezuela. Stability is his great anxiety. He is personally aware of the manner in which authority is challenged by the individualistic instinct which is latent in every one, but which develops in a violent manner among those who having distinguished themselves because of their qualifications, audacity, or success, feel that they are fit to grasp such authority and exercise it. Bolívar fears anarchy as much as he fears tyranny, and his earnest desire is to safeguard the State against either of these extremes. Hence the idea of a hereditary Senate, which in his own words 'would be an intermediate power between the government and the people, that would blunt the shafts these two eternal rivals direct against each other.' His entire system is inspired by the thought of the imperfections of the people and the risk there is in trusting them with instruments of government, by far too delicate for their uneducated, inexperienced hands. In everything Bolívar shows, besides the greatest appreciation for liberty as the acme of human aspirations, the fear, tempered by prudence, before the possibility that, in aiming at an impossible perfection, the effective benefits of a moderate and dignified freedom be sacrificed."[1] Several of the most important paragraphs of this address are given below.

Gentlemen:

. . . . . .

The epoch in the life of the Republic over which I have presided has not been a mere political storm; it has been neither a bloody war, nor

[1] *An Address of Bolívar at the Congress of Angostura*, 11–12.

yet one of popular anarchy. It has been, indeed, the development of all disorganizing elements; it has been the flooding of an infernal torrent which has overwhelmed the land of Venezuela. A man, aye, such a man as I am, what check could he offer to the march of such devastation? In the midst of this sea of woes I have simply been a mere plaything of the revolutionary storm, which tossed me about like a frail straw. I could do neither good nor harm. Irresistible forces have directed the trend of our events. To attribute this to me would not be fair, it would be assuming an importance which I do not merit. Do you desire to know who are the authors of past events and the present order of things? Consult then the Annals of Spain, of America, of Venezuela; examine the Laws of the Indies, the rule of the old executives; the influence of religion and of foreign domination; observe the first acts of the Republican Government, the ferocity of our enemies and our national temperament. Do not ask me what are the effects of such mishaps, ever to be lamented. I can scarcely be accounted for but as a mere instrument of the great forces which have been at work in Venezuela. However, my life, my conduct, all my acts, both public and private, are subject to censure by the people. Representatives! You are to judge them. I submit the history of my tenure of office to your impartial decision; I shall not add one thing more to excuse it; I have already said all that could be my apology. If I deserve your approval, I have attained the sublime title of a good citizen, to me preferable to that of *Liberator*, given me by Venezuela, that of *Pacificator*, which Cundinamarca accorded me, and all the titles that the whole world could bestow upon me.

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The continuation of authority in the same person has frequently proved the undoing of democratic governments. Repeated elections are essential to the system of popular government, because there is nothing so dangerous as to suffer Power to be vested for a long time in one citizen. The people become accustomed to obeying him, and he becomes accustomed to commanding, hence the origin of usurpation and tyranny. A proper zeal is the guarantee of republican liberty, and our citizens must very justly fear that the same Magistrate who has governed them for a long time, may continue to rule them forever.

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America, on becoming separated from the Spanish monarchy, found itself like the Roman Empire, when that enormous mass fell to

pieces in the midst of the ancient world. Each dismembered portion formed then an independent nation in accordance with its situation or its interests, the difference being that those members established anew their former associations. We do not even preserve the vestiges of what once we were; we are not Europeans, we are not Indians, but an intermediate species between the aborigines and the Spaniards — Americans by birth and Europeans in right, we are placed in the dilemma of disputing with the natives our titles of possession and maintaining ourselves in the country where we were born, against the opposition of the invaders. Thus, ours is a most extraordinary and complicated case. Moreover, our part has always been a purely passive one; our political existence has always been null, and we find ourselves in greater difficulties in attaining our liberty than we ever had when we lived on a plane lower than servitude, because we had been robbed not only of liberty but also of active and domestic tyranny. Allow me to explain this paradox.

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A perverted people, should it attain its liberty, is bound to lose this very soon, because it would be useless to try to impress upon such people that happiness lies in the practice of righteousness; that the reign of law is more powerful than the reign of tyrants, who are more inflexible, and all ought to submit to the wholesome severity of the law; that good morals, and not force, are the pillars of the law and that the exercise of justice is the exercise of liberty. Thus, Legislators, your task is the more laborious because you are to deal with men misled by the illusions of error, and by civil incentives. Liberty, says Rousseau, is a succulent food, but difficult to digest. Our feeble fellow citizens will have to strengthen their mind much before they will be ready to assimilate such wholesome nourishment. Their limbs made numb by their fetters, their eyesight weakened in the darkness of their dungeons and their forces wasted away through their foul servitude, will they be capable of marching with a firm step towards the august temple of Liberty? Will they be capable of coming close to it, and admiring the light it sheds, and of breathing freely its pure air?

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Only democracy, in my opinion, is susceptible of absolute freedom. But where is there a democratic government that has united at the same time power, prosperity and permanence? Have we not seen, on

the contrary, aristocracy, monarchy rearing great and powerful empires for centuries and centuries? What government is there older than that of China? What republic has exceeded in duration that of Sparta, that of Venice? The Roman Empire, did it not conquer the world? Does not France count fourteen centuries of monarchy? Who is greater than England? These nations, however, have been, or still are, aristocracies and monarchies.

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The more I admire the excellence of the Federal Constitution of Venezuela, the more I am persuaded of the impossibility of its application in our State. And, in my opinion, it is a wonder that its model in North America may endure so successfully, and is not upset in the presence of the first trouble or danger. Notwithstanding the fact that that people is a unique model of political virtues and moral education; notwithstanding that it has been cradled in liberty, that it has been reared in freedom and lives on pure liberty, I will say more, although in many respects that people is unique in the history of humanity, it is a prodigy, I repeat, that a system so weak and complicated as the federal system should have served to govern that people in circumstances as difficult and delicate as those which have existed. But, whatever the case may be, as regards the American Nation, I must say that nothing is further from my mind than to try to assimilate the conditions and character of two nations as different as the Anglo-American and the Spanish-American. Would it not be extremely difficult to apply to Spain the Code of political, civil and religious liberty of England? It would be even more difficult to adapt to Venezuela the laws of North America. Does not the *Spirit of Laws* state that they must be suited to the people for whom they are made; that it is a great coincidence when the laws of one nation suit another; that laws must bear relation to the physical features of a country, its climate, its soil, its situation, extension and manner of living of the people; that they must have reference to the degree of liberty that their constitution may be able to provide for the religion of the inhabitants, their inclinations, wealth, number, trade, customs and manners? Such is the Code that we should consult, not that of Washington!

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The citizens of Venezuela all enjoy by the Constitution, — the interpreter of what Nature intended, — a perfect political equality.

Even though this equality had not been a dogma in Athens, France and in America, we need to make it such, to correct the difference that apparently seems to exist. My opinion is, Legislators, that the fundamental principle of our system depends immediately and exclusively on equality being established and exercised in Venezuela. That men are all born with equal rights to the benefits of society, has been sanctioned by the majority of the learned; but it has also been sanctioned that not all men are equally capable of attaining every distinction; while all should practise virtue not all do practise it; all should be courageous and all are not courageous; all should possess talents and all do not possess them. Hence the real distinction existing among individuals of the most liberally established society. If the principle of political equality is generally acknowledged, that of physical or moral inequality is also recognized. Nature has made men unequal as regards genius, temperament, strength and characteristics. The laws correct that difference by giving man a place in society so that education, industry, service, virtue may give him a fictitious equality, properly called political and social equality. It is an eminently beneficent inspiration that of reuniting all classes in a State, where diversity multiplies in proportion to the propagation of the species. By this single step, cruel discord has been torn out by the roots. How much jealousy, rivalry and hatred has been thus avoided!

Having done our duty towards justice, towards humanity, let us do it now to politics, to society, by smoothing over the difficulties presented by a system so simple and natural, but so weak that the slightest obstacle will upset and ruin it. The diversity of origin requires to be handled with infinite firmness, with infinite delicate tact in order to deal with an heterogeneous society whose complicated mechanism will become disjointed, divided, will dissolve at the slightest alteration. The most perfect system of government is that which produces the greatest sum of happiness possible, the greatest sum of social security and political stability. Through the laws enacted by the first Congress we have the right to expect that happiness be the lot of Venezuela, and through your laws we must hope that security and stability will perpetuate such happiness. It is for you to solve the problem. But how, after having broken all the chains of our former oppression, could we accomplish the marvelous task of preventing the remnants of our fetters from being turned into liberticide weapons? The relics of

Spanish domination will last a long time before we succeed in annihilating them; contagion of despotism has vitiated our atmosphere, and neither the fire of war nor yet the remedy of our wholesome laws has succeeded in purifying the air we breathe. Our hands are now free, while our hearts still suffer the ills of servitude. Man in losing his liberty, — Homer has said, — loses one-half of his manhood.

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Rome and Great Britain are the two nations which have excelled most among ancient and modern peoples. Both were born to rule and to be free, but both were constituted not with dazzling forms of liberty, but built on solid foundations. Hence, I recommend you, Representatives, to study the British Constitution, which is the one that seems destined to do the most possible good to the peoples that adopt it. But no matter how perfect it may be, I am very far from suggesting a servile imitation. When I speak of the British Government, I only refer to whatever it has of the republican system; and truly, could we call a monarchy a system, that recognizes popular sovereignty, the division and balance of power, civil liberty and the liberty of conscience, the freedom of the press and everything which is sublime in politics? Could there be any more liberty in any republic whatsoever? And, could any more be said of social order? I recommend such constitution as the most worthy of being taken as a model by all who yearn for the enjoyment of the rights of men, and all political happiness compatible with our frail nature.

Our fundamental laws would not be altered in the least should we adopt a legislative power similar to the British Parliament. We have divided, as Americans did, national representation into two Chambers, the Representatives and the Senate. The first is very wisely constituted, enjoys all the functions appertaining to it, and is not susceptible of a radical reform, because it is the Constitution which gave it origin, form and such faculties as the will of the people deemed necessary to be legally and properly represented. If the Senate, instead of being elective were hereditary, it would be, in my opinion, the foundation, the binding tie, the very soul of our republic. This body would arrest the lightning of government in our political storms, and would break the popular waves. Attached to the government, because of its natural interest of self-preservation, it will always oppose the invasions attempted by the people against the jurisdiction and the authority of

its rulers. We must confess it: the generality of men fail to recognize what their real interests are and constantly endeavor to assail them in the hands of their trustees; and the individual struggles against the masses, and the masses against the authorities. It is necessary, therefore, that a neutral body should exist in every government, always siding with the aggrieved party to disarm the offender. This neutral body, to be such, must not owe its origin to the election of the government, nor to the election of the people, so as to enjoy a full measure of freedom, neither fearing nor expecting anything from either of these two sources of authority. The hereditary Senate, as a part of the people, shares in its interests, in its sentiments, in its spirit. For this reason it is not to be presumed that a hereditary Senate would disregard the popular interests or forget its legislative duties. The Roman Senators and the Lords of London have been the staunchest columns on which the structure of political and civil liberty has been erected.

These Senators would be elected by Congress the first time. The succession to the Senate should engage the first attention of the government, which would educate them in a college specially devoted to instructing these tutors, future legislators of the country. They should learn the arts, sciences and letters, the accomplishments of the mind of public men; from childhood they should know the career to which Providence has destined them, and from a tender age they should temper their soul to the dignity awaiting them.

The creation of a hereditary Senate would be in nowise a violation of political equality; I do not pretend to establish a nobility because, as a famous republican has said, it would be to destroy at the same time equality and liberty. It is a calling for which candidates must be prepared; it is an office requiring much knowledge and the proper means to become learned in it. Everything must not be left to chance and fortune in the elections; the people are more easily deceived than Nature perfected by art, and although it is true that these Senators would not spring from the womb of Perfection, it is also true that they would spring from the womb of a learned education. On the other hand, the liberators of Venezuela are entitled to hold, always, a high rank in the republic which owes its existence to them! I believe that posterity would grieve to see the effacement of the illustrious names of their first benefactors. I say, moreover, that it is a matter of public

interest, of the gratitude of Venezuela, of national honor, to preserve with glory to the end of posterity a race of men of virtues, prudence and valor, who mastering all obstacles have founded the republic at the cost of the most heroic sacrifices. And if the people of Venezuela do not applaud the elevation of their benefactors, they are unworthy of being a free people, and never will be free.

A hereditary Senate, I repeat, will be the fundamental support of the Legislative Power and, therefore, the basis of the entire government. It will equally serve to counterbalance both the government and the people; it will be an intermediate power that would blunt the shafts those two eternal rivals direct against each other. In all conflicts, the calm reasoning of a third party becomes the means of reconciliation; thus, the Senate of Venezuela will be the keystone of this structure so delicate and so liable to violent shocks; it would be the rainbow which calms the storms and maintains harmony between the members and the head of this political body.

Nothing whatever could corrupt a legislative body vested with the highest honors, self-dependent, having nothing to fear from the people, and nothing to expect from the government; having no other object than the repression of all elements of evil, and the fostering of all elements of good, and having the greatest interest in the existence of a society, in the good or bad results of which it must participate. It has been very justly said that the Upper House of England is invaluable to the nation because it is a bulwark to liberty, and I may add, that the Senate of Venezuela would be not only a bulwark to liberty but a support to make the republic everlasting.

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In order to form a stable government the basis is required of a national spirit, the object of which is a uniform tendency toward two capital points: to moderate the popular will, and to limit public authority. The terms which theoretically fix these two points are of difficult determination, but it can be well imagined that the rule which must govern is reciprocal restriction, in order to have the least friction possible between that will and legitimate authority. This science is unconsciously acquired through practice and study. Progress of education broadens the progress of practice, while uprightness of mind widens the progress of enlightenment.

Love of country, love of law, love of the authorities, are the noble

passions which must have exclusive sway in a republican soul. The Venezuelans love their country, but do not love their laws, because these were noxious and the source of evil; nor could they love their authorities, because they were unjust, and the new authorities are scarcely known in their new calling. If there is not a holy respect for the country, the laws and the authorities, society becomes a disorder, an abyss; an individual conflict between man and man, and hand to hand.

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To mention the military history of Venezuela would be to remind you of the history of republican heroism among the ancients; it would be to tell you that Venezuela has been inscribed in the great roll of honor of the sacrifices made on the altar of liberty. Nothing could fill the noble breasts of our generous warriors, but the exalted honors paid to the benefactors of humanity.

Not fighting for power, nor yet for fortune, not even for glory but only for liberty, the title of Liberators of the Republic is their most fitting guerdon. I have, therefore, founded a sacred association of these illustrious men; I have created the Order of the Liberators of Venezuela. Legislators, the authority to confirm honors and decorations belongs to you; it is your duty to perform this august act of national gratitude.

Men who have given up all pleasures; all the comforts they enjoyed as the fruits of their virtues and talents; men who have undergone all that is cruel in a horrible war, suffered the most painful privations, and the bitterest torments; men so well deserving of the country, must attract the attention of the government, and in consequence I have directed that they be allowed a compensation out of the national wealth. If I have acquired any merit whatever before the eyes of the people, I ask the representatives of the people to grant my request as the reward of my feeble services. Let Congress direct the distribution of the national property in accordance with the law that in the name of the Republic I have decreed, for the benefit of the military men of Venezuela.

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Gentlemen, commence your duties; I have finished mine.

67. Propositions of the Cortes of Spain to the Spanish American Deputies

[June 24, 1821. *British and Foreign State Papers*, IX, 403–405. Published by the British Foreign Office.]

The new Cortes of Spain, that of 1821, was anxious to bring about a reconciliation with the colonies, including, of course, all those states that had already declared their independence. To this end it formally confirmed the principle that all the Spanish dominions possessed the same rights to representation in the Cortes as the people of Spain. In order that the question of representation from the American portion might be solved, the proposition given below was presented to the *deputación Americana* (as the body of American members in the Cortes was called) on June 24, 1821.

Art. I. There shall be 3 Sections of Cortes in America; one in the North and two in the South. The first shall be composed of the Deputies of all New Spain, including the interior Provinces and Guatemala: the 2 Sections of South America shall comprehend; — one of them, the New Kingdom of Granada and the Provinces of Terra Firma; and the other, Peru, Buenos Ayres, and Chili.

II. These Sections shall assemble at the time appointed by the Constitution for the meeting of the Ordinary Cortes, governing themselves, in every respect, according to the rules prescribed for the latter; and they shall have within their Territory the same legal representation and the same powers, excepting the 2d, 3d, 4th, 5th, and 6th, which are reserved for the General Cortes, that part of the 7th, relative to the approval of Treaties of Offensive Alliance, and the second part of the 22d power.

III. The Capitals where these Sections shall, for the present, assemble, shall be the following: the Section of New Spain in Mexico; that of the New Kingdom of Granada and Terra Firma in Santa Fé; and that of Peru, Buenos Ayres, and Chili, in Lima. If, however, the Sections, with consent of the Executive Power of those Countries, should think proper to change the Seat of Government, they may select whatever Place may appear best suited to their purpose.

IV. There shall be in each of these Divisions a Delegate, who shall exercise, in the name of the King, the Executive Power.

V. These Delegates shall respectively consist of a Person, freely named by His Majesty, and selected from amongst Men of the most distinguished talents, without exclusion of the Members of the Royal Family. These Delegates shall be removable at the pleasure of His Majesty: they shall be inviolable with regard to the Sections of Cortes of the respective Countries, and shall only be responsible for their conduct to His Majesty and the General Cortes. The Ministers of these Delegates shall be responsible to the respective Sections of the Cortes, according to the Constitution.

VI. There shall be 4 Departments of Government: viz. of the Interior, of Finance, of Grace and Justice, and of War and Marine; some of which may be united, according as it may be judged convenient, in virtue of a Law.

VII. There shall be 3 Sections of the Supreme Tribunal of Justice, composed of a President, 8 Members, and a Fiscal.

VIII. There shall be 3 Sections of the Council of State, each composed of 7 Individuals, but the Legislative Sections may at pleasure reduce their number to 5.

IX. The Commerce between the Peninsula and the Americans shall be considered as internal from one Province of the Monarchy to another; and, consequently, the Spaniards of both Hemispheres shall reciprocally enjoy in them the same advantages as their respective Natives.

X. They shall likewise reciprocally enjoy in them the same civil rights and be equally eligible to Publick Offices and Employments as their respective Natives.

XI. New Spain and the other Countries, comprehended in the Territory of their Legislative Section, oblige themselves to deliver to the Peninsula, the sum of 200,000,000 of reals, within the space of 6 Years, which shall commence on the 1st of January, 1823, in order to contribute to the payment of the Foreign Debt; the Revenue of the State, and the Lands now appertaining, or which may hereafter appertain thereto, in the above mentioned New Spain and indicated Territory, being hypothecated for that purpose.

The said 200,000,000 of reals shall be paid by instalments. The first on the 1st of January, 1823, and thence, successively, in the 6 following Years, until its final liquidation, which shall take place on the

1st January, 1828; so that 30,000,000 shall be paid during each of the first 4 years, and 40,000,000 during each of the 2 last. The term of these instalments may be curtailed, with the approbation of the Legislative Section that shall be established in New Spain.

XII. New Spain and the other Territories comprehended in the Legislative Section thereof, likewise bind themselves to contribute to the Naval Expenses of the Peninsula, the sum of 40,000,000 of reals, Annually. The payment of this sum shall commence from the time when the Legislative Section shall first assemble, and shall be delivered at farthest at the expiration of a Year from that period: this sum shall be augmented as soon as the circumstances of New Spain shall permit, and, together with the sums mentioned in the preceding Article, shall be placed at the disposal of the Peninsula, in one of the Ports of New Spain in the Gulf of Mexico.

XIII. The other Countries of America, comprised in the other 2 Legislative Sections, shall contribute towards the Peninsula, in the manner that shall be hereafter fixed upon, and according to their circumstances.

XIV. New Spain takes upon itself the payment of all the Publick Debt contracted within its Territory, by its Government, or Agents duly authorized in its name; the Lands, Revenues, and other Property of the State, of whatever nature, without prejudice to the XIth Article, shall serve as an hypothecation of what has been stipulated in the said Article.

XV. The Deputies of the respective Sections, at the time of taking the Oath to observe, and cause to be observed, the Constitution of the Spanish Monarchy, shall also engage to comply with this Law, and to cause it to be executed.

68. San Martín declines the Supreme Command of the Peruvian Army

[Lima, September 20, 1822. Thomas Sutcliffe, *Sixteen Years in Chile and Peru, from 1822 to 1839* (1842), 61. By the retired governor of Juan Fernandez. Published by Fisher, Son, and Company, London and Paris.]

San Martín and Simón Bolívar met at Guayaquil in the month of July, 1822. It is not known what actually occurred at that meeting. It is plain, however, that there must have been a

difference between them over fundamental principles of government. San Martín withdrew, leaving to Bolívar the task of completing the movement for independence. When the Peruvian congress met, San Martín resigned his dictatorial powers and refused to accept the appointment as supreme commander of the army of that republic. He considered that the appointment would be "incompatible with the perfect independence which he knew to be the general wish of the people." The congress decreed on December 22, 1822, that "the Generalissimo of the forces of Peru, Don José de San Martín, be distinguished with the title of 'Founder of the Liberty of Peru'; that he retain the privilege of wearing the 'bicolor cordon,' which was the insignia of the supreme chief of the state; that in every part of the territories of the nation be paid to him the same honours as to the chief executive power; that, on the conclusion of the war, a statue be raised, on the pedestal of which to be engraved an appropriate inscription; in the meantime, his bust to be placed in the national library; that he shall enjoy his former pay; and that a pension for life, in imitation of that of Washington, shall be granted, in conformity to the decision of the committee."[1] A pension of twenty thousand dollars was likewise decreed him by the same body. To the president of the Peruvian congress, Señor Xavier de Luna Pizarro, in reply to the offer of that body to assume the supreme command of its military forces, San Martín declared:

> I am resolved not to betray my own feelings, and the great interests of the nation. Permit me, therefore, to observe, that long and painful experience has induced me to say, that the distinguished rank to which your sovereignty has deigned to elevate me, so far from being useful to the nation, should I fill it, would only oppose your just designs, by alarming the jealousy of those who desire a positive liberty; it would divide the opinions of the people, and decrease the confidence which you alone ought to inspire in the absolute independence of your decisions. My presence, sire, in Peru, considering that

[1] Sutcliffe, *Sixteen Years in Chile and Peru . . .*, 62.

power which I have left, and the force which I should possess, is inconsistent with the *morale* of the sovereign body, and with my own opinion; because no forbearance on my own part would defend me from the shafts of malediction and calumny. Sire, I have fulfilled the sacred promise that I made to Peru; I have seen her representatives assembled; the force of the enemy does not menace the independence of a people determined to be free, and who possess the means of being so. A numerous army, under the direction of chiefs inured to war, is ready to march in a few days to terminate the contest for ever. Nothing remains but to offer to your sovereignty the expression of my most sincere gratitude, and the firm assurance, that if at any time the liberty of the Peruvians should be threatened, I will dispute the honour of accompanying them as a citizen, to defend their freedom on the field of battle.

69. San Martín's Farewell Address to the People of Peru

[Pueblo-libre, September 20, 1822. Thomas Sutcliffe, *Sixteen Years in Chile and Peru* . . . (1842), 59–60. Published by Fisher, Son, and Company, London and Paris.]

San Martín also issued a farewell address to the Peruvian people on the same day that he declined the supreme command of the army. The document was as follows:

Peruvians! I have witnessed the declaration of the independence of the states of Chile and Peru. I hold in my possession the standard which Pizarro brought to enslave the empire of the Incas, and I have ceased to be a public man; thus I am rewarded for ten years spent in revolution and warfare. My promises to the countries in which I warred are fulfilled: to make them independent, and to leave to their will the election of their governments.

The presence of a fortunate soldier, however disinterested he may be, is dangerous to newly constituted states. I am also disgusted with hearing that I wish to make myself a sovereign. Nevertheless, I shall always be ready to make the last sacrifice for the liberty of the country — but in the capacity of a private individual and *no other*.

With respect to my public conduct, my compatriots (as is generally

the case) will be divided in their opinions; their children will pronounce the true verdict.

Peruvians! I leave your national representation established: if you repose implicit confidence in it, you will triumph; if not, anarchy will swallow you up.

May success preside over your destinies, and may they be crowned with felicity and peace!

Pueblo-libre, September 20 de 1822.

(Signed) SAN MARTÍN

70. LETTER FROM BOLÍVAR TO RIVA-AGÜERO

[Lima, September 4, 1823. *The Annual Register or a View of the History, Politics, and Literature of the Year 1823*, LXV (1824), 251–252. Published by Baldwin, Cradock, and Joy, London. In O'Leary's *Memorias*, XXVIII, 220–221.]

When San Martín resigned as dictator of Peru in September, 1822, the congress appointed a *Junta Gubernativa*. This executive council was composed of José La Mar, Felipe Antonio Alvarado, and the Count of Vista Florida. Military reverses at Toratá and Moquehua made this triumvirate unpopular, and determined efforts were made to cause the congress to depose it. However, it was not until the army, under command of General Andrés Santa Cruz, forced the congress to act that the Junta was deposed. The congress then appointed Colonel José de la Riva-Agüero as president of Peru. Dissensions between him and the congress soon followed, and he dissolved it. The congress reassembled, however, within a short time, deposed Riva-Agüero on June 19, 1823, and appointed as his successor José Bernardo Tagle, Marquis of Torre Tagle. Sir Clements R. Markham took the view that this deposition was illegal and the results of the intrigues of José de Sucre, who sought to undermine the government of Riva-Agüero in order to make place for Bolívar. He also claimed that Torre Tagle was a weak man and the tool of the party in opposition to Riva-Agüero. General Sucre, as commander of the military forces, was the real power in the republic. He ordered both the congress and Riva-Agüero

to leave Callao and go to Trujillo because they interfered with the military defense of Callao. Bolívar came to Lima on September 1, 1823, and proceeded to bring about peace between the two factions. Congress conferred on him the necessary powers. He made it plain, however, that he had come to Peru for one purpose, and that was to defeat the Spanish forces and not to meddle in the domestic affairs of the republic. But he felt that it was necessary to secure the support of Riva-Agüero and his faction. He accordingly addressed to Riva-Agüero the letter which is here given. The deposed president, however, refused to accede to the wishes of the Liberator and continued obdurate. Finally, after more than two months of negotiations, Bolívar decided to use force to compel him to desist from his hostile activities against the plans for the defeat of the Spanish. Riva-Agüero was arrested, imprisoned, and later permitted to leave the country on the condition that he retire to some European country. Markham claims that Riva-Agüero owed his escape from death to the action of La Fuente, who had been one of his commanders and who, being sent to seize him at Trujillo, did not carry out the secret order for his execution but permitted him to leave. Riva-Agüero returned to Lima in 1831, and in 1832 the Supreme Tribunal of that city absolved him of the charges brought against him in connection with the presidency of 1823. He died in 1858.

My dear Friend, — It is with infinite pain that I have to address you on a matter the most unpleasant, and at the same time the most momentous which can occur in the life of a public character.

It is unnecessary at this period to enter into an investigation of the cause of differences between yourself and the Congress, or even to analyze the character of it. The fact is, you are now at open war with the national representatives of your country. This representative assembly was convoked by the founder of its liberty, and has been acknowledged by the public authorities and people of Peru. You yourself owed your elevation to the presidency of this assembly. It is therefore beyond all doubt, that the authority of a body elected by

the nation can never be annulled by any individual of whatever rank he may be; and much less by you, who were one of the principal agents in the establishment of popular representation and to which, as president, you have solemnly taken an oath of obedience. In fact, my friend, the principle, I believe, does not admit of discussion. Let us see what will be the result of a line of conduct in opposition to it.

Buonaparte in Europe, and Iturbide in America, were the most extraordinary men, each in his sphere, which modern history presents to the world. Although benefactors of their country, and promoters of its national independence, they have been unable to escape ruin merely on account of their political sacrilege in profaning the temple of the laws and the sanctuary of social rights. You to this have added the most scandalous outrage on the persons of your ministers. I think you cannot be insensible to the united clamours of indignation excited among all the classes of men at what took place in Truxillo, and which believe me, is the blackest stain that has sullied the revolution of America; consequently you can expect nothing but malediction in this country, and disapprobation in Europe. I, notwithstanding, make you a tender of my friendship, and offer you all the protection which my position can afford. If you are inclined to accept my good offices, colonel Urdaneta and Mr. Galdeano are authorized to accommodate matters with you, as well as with those who are acting under you in this horrible affair.

The ruin of Peru is inevitable should the acceptance of these generous offers be delayed; by your refusing them you can expect nothing but the slavery of your country, and your execration by every American. Public opinion will be so decidedly expressed against you, that not even in your own conscience will you be able to find an asylum. That you or your partisans can ever rule in Lima, is out of the question. One and all of us will become the avengers of Peru; nor, if the enemy again subjects your country to the Spanish yoke, can you, even in this case, obtain what you aspire after. Finally, rest assured, that no propitious fortune can alter the principle of natural order which you have trampled upon, and this affair will prove a source of remorse which will accompany you to the grave.

Have the goodness, my dear friend, to pardon the frankness of my exposition. Having been actuated by no unworthy personal motive, but constituted the head of an independent state, I could not, without

failing in my duty, remain silent on the subject of your conduct, which, at the present unhappy period, may produce incalculable mischief to America. On the other hand, I cannot forget what you have done for America, and particularly for Peru, of whose relics you were the saviour.

BOLÍVAR

71. DECREE OF THE CONSTITUENT CONGRESS OF PERU, CONFERRING THE SUPREME DICTATORIAL POWER OF THE REPUBLIC ON SIMÓN BOLÍVAR

[Lima, February 10, 1824. *British and Foreign State Papers*, XI (1825), 866–867. Published by the British Foreign Office.]

The situation in Peru in 1823 and early in the following year has been explained in the paragraph introductory to the preceding document. It grew worse. The auxiliary forces from Buenos Aires revolted in Callao, the reason assigned being that the money due them had not been paid. They hoisted the Spanish flag in Callao and placed themselves at the disposal of Viceroy La Serna. This, added to the very unsatisfactory state of affairs in the republic, caused the congress to suspend the constitution, to declare itself prorogued, and to invest Bolívar with dictatorial powers. The following is the decree in full:

THE CONSTITUENT CONGRESS OF PERU, exercising the ordinary and extraordinary Sovereign Power with which it is invested, and considering —

1st. That it would be wanting to the confidence which the Nation has reposed in it, if it did not secure by all the means in its power the Liberties of the Country threatened imminently with destruction by the reverses which the Republic has suffered;

2nd. That a Dictatorial Power alone, deposited in a strong hand, capable of making such a war as shall correspond with the tenacious obstinacy of the Enemies of our Independence, and can fulfil the ardent wishes of the National Representatives;

3rd. That, considering the reasons which have presented themselves, the authority conferred on the Liberator, Simon Bolivar, by

the Decree of the 10th of September last, does not answer to the end proposed;

4th. That the Constitutional Regime will exceedingly weaken the effect of the prudential measures which the Public Safety demands, as it is necessary that all of them should be directed from a centre of unity, which is incompatible with the exercise of different Supreme Authorities, notwithstanding the extraordinary efforts, and eminently patriotic virtues, of the Grand Marshall, Don Jose Bernardo Tagle, President of the Republic, to whom, in great part, its Independence is owing, and whose endeavours, perfectly in harmony with those of the Congress, are exclusively directed for the good of the Nation:

has Decreed, and Decrees as follows:

1st. The Supreme Political and Military Authority of the Republic is concentrated in the Liberator, Simon Bolivar.

2nd. The extent of this Power is such as the salvation of the Republic demands.

3rd. As soon as the Liberator accepts the Authority indicated in the preceding Articles, that of the President of the Republic is suspended in its exercise, until the object which dictates this Decree is realized; which Event being established to the judgment of the Liberator, the President shall resume his proper Attributes, without the time of this suspension being computed in the Constitutional Period of his Presidency.

4th. The Articles of the Political Constitution, the Laws and Decree which may be incompatible with the salvation of the Republic, remain without effect.

5th. The Congress is prorogued, the Liberator having the Power of calling it together whenever he shall deem it convenient on any extraordinary occasion.

6th. Is recommended to the zeal which animates the Liberator for the maintenance of National Rights, the Convocation of the first Constitutional Congress, as soon as circumstances permit it, on the Installation of which the actual Constituent Congress shall be dissolved.

Let this be made known and disposed of, in order to its due execution, and order it to be printed and circulated.

Given in the Hall of the Congress at Lima, 10th February, 1824.

THE PRESIDENT OF THE REPUBLICK
A true copy, Espinar
Merino

72. Proclamation of Bolívar to the Allied Army on the Plateau of the Sacramento

[July 29, 1824. F. Lorraine Petre, *Simón Bolívar, "El Libertador,"* . . . (1910), 328–329. Reprinted by permission of the publishers, Dodd, Mead & Company, New York.]

Simón Bolívar had, in his eventful career as a leader of the liberating forces of northern South America, been placed in many difficult positions. It is doubtful, however, if he had ever been in a more critical one than that in which he found himself in the spring and early summer of 1824. In the preceding note the situation was explained under which the congress of Peru had conferred on him the dictatorial power. The situation in Peru was desperate. Bolívar's first problem, and in many ways the most important, was to unite the liberating forces. By April 15, 1824, he had been able to bring the Colombian and Peruvian armies together at Otusco. From there he wrote to Colonel Herés: "The next fortnight we must employ in preparation, in May we must march, and in June fight." All the forces were to concentrate at Pasco, a point in the Andes about one hundred and eighty miles northeast of Lima. It was to be a march over snow-clad mountains. It was not until July 29, 1824, that the armies reached the plateau of Sacramento. It was on this day that the brief proclamation here given was issued. On August 6 the battle of Junín was fought, which resulted in a very important victory for Bolívar and the liberating armies.

Soldiers! You go to complete the greatest work Heaven has been able to entrust to men, to save a whole world from slavery.

Soldiers! The enemies whom you are going to destroy boast of fourteen years of triumph; they are worthy to measure arms with yours which have shone in a thousand fights.

Soldiers! Peru and all America look to you for peace, the daughter of victory; even liberal Europe regards you with enchantment, for the liberty of the new world is the hope of the universe. Will you disappoint them? No! No! You are invincible.

73. The Battle of Ayacucho

After the battle of Junín,[1] Bolívar led the liberating army to Ayacucho.[2] Early in October, 1824, he left the army in command of General Antonio José de Sucre. General José de Canterac and Viceroy La Serna organized an army of the royalists for an attack on Sucre at Ayacucho. The battle began at nine o'clock on the morning of December 9. By sundown Canterac, who had succeeded to the command of the royalist army on the defeat and capture of the viceroy earlier in the day, came to Sucre to arrange for the terms of the surrender of his army.[3] The battle of Ayacucho was decisive and was the last important engagement of the long series of wars for emancipation. "The 9th of December, 1824," wrote Bolívar to Sucre, "on which you triumphed over the enemies of independence, will be forever a day which thousands upon thousands of generations will recall, ever blessing the patriot and warrior who has made it celebrated in the annals of America. So long as Ayacucho exists, the name of General Sucre will be remembered. It will last as long as time endures."[4] The Peruvian congress of February 10, 1825, confirmed Sucre's title of "Grand Marshal of Ayacucho" and voted him a sum of two hundred thousand *pesos*. The documents here given will further illustrate the importance of the great battle of Ayacucho.

A. TO HIS EXCELLENCY THE LIBERATOR[5]

Most excellent sir: The treaty which I have the honor to transmit to your excellency, signed on the field of battle, where the blood of the liberating army has secured the independence of Peru, becomes

[1] Fought on August 6, 1824.

[2] The battlefield of Ayacucho is about four hundred miles southeast of Lima.

[3] The terms of the capitulation are given in *Niles's Weekly Register*, XXVIII, 7–8, also in O'Leary's *Memorias*, XXVIII, 316–320.

[4] Petre, *Simón Bolívar "El Libertador,"* . . ., 342.

[5] This letter was written from the headquarters of the liberating army at Ayacucho on December 10, 1824. *Niles's Weekly Register*, XXVIII, 7; also given in O'Leary's *Memorias*, XXVIII, 315.

the guarantee of the peace of the republic, and is the most brilliant result of the victory of Ayacucho. The united army feels the liveliest satisfaction in presenting to your excellency all the territory of Peru, which has submitted to your authority, before five months campaign. All the royal army, all the provinces it occupied in this republic, all its places, artillery, magazines, and fifteen Spanish generals, are the trophies which the united army offers your excellency, as a token worthy the illustrious saviour of Peru; who, from Junin, pointed out to the army the field of Ayacucho as the spot to cover themselves with glory.

God preserve your excellency.

(Signed) ANTONIO JOSÉ DE SUCRE

P. S. I had forgotten to inform your excellency of a remarkable circumstance. According to the rolls taken from the enemy, it appears they had 9,310 men on the field of battle, while the liberating army had only 5,780.

(Signed) SUCRE

B. PROCLAMATION TO THE SOLDIERS OF THE ARMY WHO CONQUERED AT AYACUCHO[1]

Soldiers! — You have given liberty to South America, and a quarter of the world is the monument of your glory — Where have you not conquered?

South America is covered with trophies of your valour; but Ayacucho, like Chimborazo, rears her exalted head above them all.

Soldiers! — Colombia owes to you the glory with which you again cover her — Peru, life, liberty and peace. La Plata and Chili also are your debtors for immense benefits. The good cause — the cause of the rights of man — has conquered by your arms in her terrible struggle with the oppressor. Contemplate, then, the blessings you have conferred upon humanity by your heroic sacrifices.

Soldiers! — Receive the limitless gratitude which I bestow upon you in the name of Peru. I pledge myself that you shall be recompensed as you deserve, before you return to your beautiful country. But no — you never can be worthily rewarded — Your services transcend all price.

[1] This proclamation was issued from Headquarters in Lima on December 25, 1824. *Niles's Weekly Register*, XXVIII, 130–131.

Soldiers of Peru! — Forever will your country rank you among the first saviours of Peru.

Soldiers of Colombia! — You will live in hundreds of victories until the end of the world.

BOLÍVAR

C. PROCLAMATION TO THE PERUVIANS ON THE VICTORY AT AYACUCHO[1]

Peruvians! The liberating army, commanded by the intrepid and skillful general Sucre, has at once put an end to the war of Peru, and of the American continent, by one of the most glorious victories ever obtained by the arms of the new world. Yes! The army has fulfilled the promise I made you on its name to accomplish the liberty of Peru in the course of this year.

Peruvians! The time has arrived when I must also fulfil the promise I made to you to divest myself of the dictatorship on the day victory would seal your destiny. The congress of Peru will be assembled on the tenth of February, (proximo), being the anniversary of the decree by which was confided to me this supreme authority, and which I will then return to the legislative body which honored me with that confidence. These are not empty words.

Peruvians! Peru has suffered great military disasters. The troops who guarded it occupied the free provinces of the north and carried war against the congress; — The navy obeyed no longer the commands of the government; the ex-president, Riva Aguero, by turns a usurper, rebel and traitor, fought against his country and her allies: The auxiliaries of Chili, by their lamentable defection, deprived us of the assistance of their troops; and those of Buenos Ayres, having revolted in Callao against their chiefs, delivered that place to the enemy; The president, Torre Tagle, making an appeal to the Spaniards to occupy this capital, achieved the destruction of Peru.

Discord, misery, discontent and personal interest had spread their bane through every part of the country. Peru seemed to exist no more — all was dissolved! Under these awful circumstances, the congress appointed me a dictator to save the relics of their last hopes.

The loyalty, the constancy, and the valor of the army of Colombia,

[1] This proclamation was printed in the *Extraordinary Gazette of the Government of Lima*, Wednesday, December 22, 1824. *Niles's Weekly Register*, XXVIII, 6–7.

have performed this wonderful undertaking. The Peruvians, when a civil war was raging, acknowledged the legitimate government, and have rendered immense services to the country, while the troops who protected them, have covered themselves with glory on the fields of Junin and Ayacucho. Factions have disappeared from the soil of Peru. This capital has recovered forever its sweet liberty. Callao is invested, and must be given up by capitulation.

Peruvians! Peace has succeeded to war; union to discord; order to anarchy; and happiness to misfortune! But never forget, I beseech you, that, for these blessings, you are indebted to the illustrious victors of Ayacucho.

Peruvians! The day on which your congress will meet will be a day of glory! the day that will consummate the most fervent wishes of my ambition — Do not ask more!

(Signed) BOLÍVAR

PART III. THE DEVELOPMENT OF NATION STATES IN HISPANIC AMERICA

THE REPUBLIC OF ARGENTINA

74. The Declaration of Independence of the Provinces of Rio de la Plata

[Tucumán, July 9, 1816. *British and Foreign State Papers*, V, 804. Published by the British Foreign Office.]

Among the measures passed by the congress of Rio de la Plata at its meeting in Tucumán was the brief declaration of independence given below. On October 25, 1816, the *Manifesto Addressed to all the Nations* was proclaimed by the General Constituent Congress of the United Provinces of Rio de la Plata. It is given in full in the *British and Foreign State Papers*, VI, 638–649. This manifesto presented in great detail the causes which led to the act of declaring the provinces independent.

We, the Representatives of the United Provinces of Rio de la Plata, in General Congress assembled, invoking the Supreme Being, who presides over the Universe, and calling on Heaven, Earth, and Mankind to witness the justice of our Cause; in the Name and in virtue of the authority of the People whom we represent —

Solemnly declare, that it is the unanimous will of the People of these Provinces to break asunder all the Bonds which unite them with the Kings of Spain; to reinstate themselves in the enjoyment of the rights of which they have been deprived, and to raise themselves to the highest rank of a free and independent Nation, capable of giving themselves such Government as justice and imperious circumstances may require. Authorized by the United Provinces in general, and by each

one of them in particular, to declare and lay them under the obligation to support this Independence, we hereby pledge their lives, fortunes, and sacred honour.

Mindful of the respect due to those Nations which take an interest in our fate, and conscious of the necessity of declaring the weighty reasons which impelled this act, we resolve that a Manifesto, setting them forth, be immediately made public.

Given and signed in the Hall of our Sittings, sealed with the Seal of the Congress, and countersigned by our Secretaries, in the City of Tucuman, this 9th day of July, 1816.

F. N. DE LAPRIDA, *President*
J. M. SERRANO, *Secretary*
J. F. PASSO, *Secretary*

75. PAPERS RELATIVE TO A SECRET PROJECT FOR ERECTING THE PROVINCES OF SOUTH AMERICA INTO A KINGDOM, AND PLACING THE PRINCE OF LUCCA ON THE THRONE

[1819. *British and Foreign State Papers*, VI, 1085–1100.]

The effort to establish a monarchy in the United Provinces of Rio de la Plata brought forth several different plans. As early as 1813 Manuel Belgrano and Bernardino Rivadavia had been sent to Spain to induce the Spanish government to agree to the independence of the Provinces with a member of the royal family of Spain as ruler. There were several other plans also evolved. One was the proposal by Belgrano to create an empire of South America with a descendant of the Incas as emperor;[1] another would place the new state under the protectorate of Great Britain; still another proposed the establishment of an independent kingdom with a member of the Braganza royal family as ruler. The secret proposal of the French government and the manner in which it was received are explained in the following excerpts.

[1] A similar plan had been proposed earlier by Francisco de Miranda. Consult William Spence Robertson, "Francisco de Miranda and the Revolutionizing of South America," in *Report of the American Historical Association*, 1907, I, 272–276, 417–421.

THE SUPREME DIRECTOR TO THE CONGRESS OF BUENOS AYRES

(Most Private)

Buenos Ayres, 26th October, 1819

Sovereign Congress,

The enclosed Communication from Don José Valentin Gómez, our Envoy Extraordinary in France, was received a few days ago.

About the same time arrived the American, Don Mariano Gutierrez Moreno, who announced himself as the bearer of Despatches for the Government of Chile, from its Deputy at the same Court, Don José Yrizarri, with similar propositions, and particular directions to make this Government acquainted with the object of his Journey. This induced me to delay the transmission to you of the Communication of the Envoy Don Gómez, until I could inform you of the result of the Conference with Don Gutierrez Moreno. It took place on the 23rd of this month, when the object of his Mission was confirmed; and he further declared, that the Deputies Rivadavia and Gómez had specially enjoined him to endeavour to induce this Government to avail itself of so favorable an occasion to obtain such great advantages for this Country.

I now, therefore, transmit the Communication to your Sovereignty, and in calling your attention to the unfortunate situation of the Provinces, and to the fate which impends over them, I entreat you to take the subject into your immediate consideration, the moment having arrived when Instructions should be given to the Envoy Gómez on this matter; because, by means of the Resolution which may be adopted, the Spanish Expedition intended against this part of America may, perhaps, be prevented; and because the Envoy Gutierrez Moreno is waiting only for the decision of your Sovereignty to pursue his journey to Chile.

May God preserve your Sovereignty many years.

JOSE RONDEAU

The Sovereign National Congress of the United Provinces of South America.

DON JOSÉ VALENTIN GÓMEZ TO THE SECRETARY OF STATE

Paris, 18th June, 1819.

Most Excellent Sir,

In my Official Letter of the 15th of the last month, I stated to you, that I had been invited to a Conference by his Excellency the Minister for Foreign Affairs. Several circumstances prevented its taking place before the 1st of the present month. Though I had before deeply reflected on the object to which it might be directed, I never could have foreseen the real one, which I now communicate to you, for consideration.

After His Excellency had spoken at length, both on the anxious wish of the Ministry for the happy result of the glorious struggle in which these Provinces are engaged, and on the great obstacles which prevented them from taking a decided, active, and open part in their support, he said that, on reflecting on their true interests, he was convinced that these entirely depended on the form of the Government, under whose influence they might hope to enjoy the advantages of peace; and that he firmly believed, that such a Government could only be found in a Constitutional Monarchy, with a Prince of Europe at its head, whose connexions might command and increase a respect for the State, and facilitate the recognition of their National Independence. That, impressed with these ideas, he had in his mind, what he considered a happy thought, and he could explain it to me with the greatest sincerity: — it was, the proposing a Prince for the Throne, whose personal good qualities and position were the most likely to overcome all the obstacles which might be opposed to such a project; taking into consideration the different interests of the principal Nations of Europe, and the various political views of their respective Cabinets. That such a Person was the Prince of Lucca, lately the heir of the Kingdom of Etruria, and descended, by the maternal line, from the august dynasty of the Bourbons. That his elevation would not awaken any jealousy in the principal Courts; but, on the contrary, would meet with the approbation of their Sovereigns; more particularly the Emperors of Austria and Russia, who were decidedly friends to him, and were warmly interested in the general welfare of the Continent. That England could not offer any just or reasonable ground for resisting it. That His Catholic Majesty would not be

displeased, at seeing his Nephew seated on the Throne of Provinces which had belonged to his dominion, an arrangement from which he might hope to obtain many advantages to the trade of the Peninsula, at least such as were not inconsistent with the absolute independence of the new Nation, or the policy of its Government; and that His Most Christian Majesty, in particular, whose opinions were well known to him, would be gratified by it, and would employ in its support all his weight, and use his powerful influence with those Sovereigns; while he would not fail to use any of the means which are at his disposal, for his protection; either by furnishing him with every kind of assistance which might be necessary, or by endeavouring to prevail upon His Catholic Majesty to desist from the War which he has undertaken against the Provinces.

His Excellency made many other observations, which it would be difficult to repeat, but he dwelt particularly on the personal character of his Highness the Prince of Lucca, extolling the principles of his education, which were analogous to the present enlightened state of Europe; and upon the liberality of his sentiments, which were so different from those entertained by His Catholic Majesty: and throughout his whole discourse he expatiated largely upon the policy adopted by the other Sovereigns for the government of their People.

I must candidly confess, that I was astonished at hearing a Prince proposed, who possessed neither power, influence, nor consideration, to rule the destinies of a People who have excited the interest of all Europe, and have achieved their liberty, by so many and such extraordinary sacrifices; and while his Excellency continued to indulge in his reflections, I considered of an answer, which, without directly wounding his self-love, might effectively guard our sacred interests, and, at the same time, carry into effect the 7th Article of my Instructions.

I replied to his Excellency, that unfortunately my powers did not extend to the object he had just spoken of; and that, moreover, I was persuaded that no proposition would be acceptable to the Government of the United Provinces, which should not be grounded on the essential bases of the cessation of the War with Spain, of the integrity of the Territory of the late Viceroyalty, (including particularly the Banda Oriental,) and, if possible, of obtaining the succours necessary to render more respectable the present condition of the State. That neither of these bases could be reasonably expected from the selection

of his Highness the Prince of Lucca, who besides laboured under the unfavorable circumstance of being unmarried, and who was therefore without an heir; which might expose the Provinces to an interregnum, always dangerous, and generally disastrous, to a Monarchy.

I flattered myself, that I had thus, indirectly, defeated the project, by the force of reasons which could not but have weight with the Minister; but, before my answer was concluded, his Excellency proceeded to say, that, far from finding any obstacle created by my judicious remarks, his attention had been more particularly called by them to other great advantages, which he would immediately point out. He observed, that His Most Christian Majesty would specially undertake to employ his good offices and influence with His Catholic Majesty, to put an end to the War, and to obtain his recognition of the Independence of the Provinces. That the Prince of Lucca might marry a Princess of Brazil, on the express condition of the evacuation of the Banda Oriental, and the renunciation of all claim to indemnity on the part of that Government; by which means the succession to the Crown would be secured. That His Most Christian Majesty would contribute every kind of assistance, the same as he would if it were for a Prince of his own family, and that no means would be left untried to accomplish the project, and thereby to insure the prosperity of the Provinces.

After I had listened to these new reflections, I thought proper to repeat to his Excellency that I was not authorized to come to any determination; but that I would make my Government acquainted with every circumstance, and ask for the necessary Instructions. The Minister agreed with me, and said that, in the meantime, while I was waiting for orders, he would forward the Negotiation as much as possible, and that he was in hopes of being successful with all the Cabinets interested in it.

I send you a Memorandum upon the same subject, which was delivered to me afterwards, as containing the ideas of the Baron de Rayneval, who is considered at this Court, (as I have before intimated to you,) as at the head of the French diplomacy.

I have described to you, with all possible exactness, the principal points of this Conference. It would not become me to judge whether this Project would be favorable or otherwise to the interests of the United Provinces of South America. The Chief Magistrates, to whom

their destiny and prosperity have been confided, will weigh it with that wisdom and prudence which distinguish their deliberations; and, as soon as their decision shall reach me, I shall punctually comply with it, and employ all the means in my power to cause it to be duly executed. I shall, however, offer some observations upon the effect which may result from this unexpected overture, and on the degree of sincerity which attaches to the Project.

In my Official Note of the 28th April, I intimated to you that the diminution of Republican Governments was one of the bases of the policy to be adopted by the Holy Alliance for the preservation of Thrones; and that, in consequence, the Republics of Holland, Venice, and Genoa, were extinguished by the Congress of Vienna, although, at the same time, it affected to restore all the States of Europe to the same situation in which they were before the French Revolution.

I also expressed a belief, that the Sovereigns assembled at Aix-la-Chapelle had secretly agreed to invite the People of America to join them in this policy, when Spain should be undeceived, and have renounced the project of reconquering the Provinces; and that the King of Portugal warmly promoted it through his Ministers; and I added, that I thought it impossible in this case to agree to the selection of a Prince of the dynasties of the 5 great Powers; so opposite were their interests, and so great was their jealousy of each other, that I feared their choice would fall on some other Prince of a Nation of the second or third rank, to whom they could promise such a co-operation as would ensure the success of the Project. I formed this opinion when I first contemplated the Cabinets of Europe, and began to observe their political movements. Those ideas appear to me to be confirmed at this moment, by the recent proceedings of the French Cabinet, and its present proposition to be only an anticipation of the period which is fast approaching, of the ultimate triumph of our Provinces, and the despair of Spain, which, in the Expedition now fitting out, is rapidly exhausting all its resources, and must finally be compelled to abandon even the hope of any effort worthy of that name.

The Prime Minister communicated to me his Proposition, without exhibiting, according to my judgment, that warmth which is generally excited in treating of affairs of such great interest; and, upon my observing to him that I was not authorized to do any thing in relation to it, he readily agreed that we should wait the necessary time for the

arrival of Orders upon the subject, which interval his Excellency would employ in gradually forwarding the Negotiations with the other Cabinets which might take an interest in it.

As an Expedition is now preparing at Cadiz, against the Provinces, the first step to be taken would be, to endeavour to induce His Catholic Majesty to order another direction to be given to it. The Minister assured me that this was already in hand, that he had not yet learnt the result, but that it would not be an easy matter to persuade the King to this measure. The fact is, that the Vessels for the Pacific have sailed, and that the preparation of a Fleet continues to be carried on with the same activity.

The course hitherto pursued by the French Government is far from consistent with those wishes for the freedom of the Provinces of South America which his Excellency has so often expressed to me. At Bordeaux several armed Vessels have been built, and others freighted, for the Expedition, notwithstanding the representations of the Chamber of Commerce; and at Senegal they have detained the value of a Ship and Cargo, prize to one of our Cruizers, notwithstanding the applications of the Chevalier Rivadavia, in conjunction with mine, for its restitution;—no arguments have been sufficient to induce the Ministry to appoint a Consul to reside at the Capital, or, at least, officially to confirm the Person who performs, provisionally, the functions of an Agent for commerce:—and, more than once, the suggestions have been checked of some of the Members of the Chamber of Deputies, who wished the Ministry to be more decided in its conduct, and to give encouragement to the French trade with the Provinces of the Rio de la Plata.

An apology for this inconsistent course of policy is offered, by alleging the difficult situation of France. But, who knows whether family interests do not prevail over the King, and whether, after all, his Cabinet has not been acting in perfect concert with Spain to counteract the preponderancy of England, which is an object of jealousy to all the Governments of the Continent, but more particularly to France? However reasonable the suspicions may be, which, under existing circumstances, are created by the principal project, — that project will be promoted with no less zeal, when the undertaking of Spain shall begin to fail of success, because then the greatest interests will be awakened. All the States of the Continent would be pleased, that a Throne should be erected in the Provinces of the Rio de la Plata, on which should be

seated a Monarch independent of the influence of England; who might, hereafter, counterbalance her colossal power on the Ocean, and diminish the importation into those Provinces of English Merchandize, by granting a free ingress to that of other Nations. France, particularly, would wish to have this market for her manufactures, in preference to the English. The Most Christian King might hope to obtain every advantage from a Prince of his own House, raised to the Throne through his influence, and by means of the powerful assistance which he promises. It is, perhaps, the intention of His Majesty to present the Emperor Francis with the Territory of Lucca, which might be given to the Duke of Reichstadt, son of the Ex-Emperor Napoleon and the Empress Maria Louisa. The Most Christian King would be gratified at seeing the destinies of his Rival thus fixed, and the Emperor of Austria compromised by a Treaty to that effect.

The cession of the Floridas to The United States has proved acceptable to all the Governments of Europe, with the exception of England, and has been effected, perhaps, through the influence of the Minister of Russia at the Court of Madrid. Europe would be equally pleased with the elevation to the Throne of South America of a Prince of a Dynasty of the Continent. This seems indeed to be the principal motive of the project of the Prime Minister, the particulars of which I have had the honour of relating to you; and, since the period cannot be far distant, when the future destiny of the Nation may be a subject of more serious deliberation, it is necessary that I should receive timely Instructions from you upon the subject. I thought that to entertain the propositions of a King, under the circumstances described, was in some measure contrary to the 7th paragraph of those which I have already received; and, although I did not decline to receive them, I deemed it proper to object to them indirectly, with a view both to the critical state of affairs at this moment, and to the others, of whatever nature they may be, which may be transmitted to me hereafter.

I request that you will have the goodness to acquaint the Supreme Director with my proceedings in this matter, and to inform me whether they met with his approbation.

God preserve, &c.

VALENTIN GÓMEZ

The Secretary of State of the
Department of Government and Foreign Affairs.

MEMORANDUM OF THE BARON DE RAYNEVAL

(*Enclosure.*)

The French Government takes the greatest interest in the present situation of that of Buenos Ayres, and is disposed to do all that is in its power to facilitate the means by which the Provinces may be erected into a Constitutional Monarchy; — this being the only form of Government suitable to their reciprocal interests, and which could afford to them all the necessary guarantees, both with respect to the Powers of Europe, and to those in the neighbourhood of the Rio de la Plata.

The French Government being obliged, owing to political circumstances, to act with great circumspection, in order to avoid the obstacles which may impede the progress of so important a Negotiation, and which may be expected principally from England, cannot manifest, at present, in any open manner, its desire to establish a friendly intercourse with the Government of Buenos Ayres; but it will neglect no favourable opportunity to testify, in an unequivocal manner, the interest which it takes in its welfare.

With a view to the attainment of an object so desirable to the South Americans, as their Independence of the Crown of Spain, and to procure for them a Constitution on a solid and permanent basis, by which they might be enabled to treat with every other Power, the French Government offers to undertake the task of obtaining the assent of all the Courts thereto, upon the elevation of the Prince of Lucca and Etruria to the Throne of South America; — for the accomplishment of which latter object all the requisite aid should be afforded, both in Naval and Military Forces, so as to enable him not only to command respect, but even to repel any Power that might oppose itself to his elevation.

The Prince, who is 18 years of age, is of the House of Bourbon, and, although a Relative of that of Spain, it is not apprehended that his principles would be repugnant to those of the Americans; whose Cause he would undoubtedly espouse with enthusiasm. He is possessed of eminent qualities, which highly distinguish him; and his abilities, as well as his military education, which has been the object of particular care, offer the most flattering prospects.

In order to secure and consolidate his Dynasty, should this Prince be accepted by The United Provinces, it is proposed to solicit for him an alliance with a Princess of Brazil. This would be of incalculable

advantage to the two Governments, which, being then bound by family ties, would find their interest in being more and more firmly connected. Another advantage, and of not less consideration, as one of the principal conditions of this Alliance, would be, that Brazil should renounce the possession of the Banda Oriental, together with all claim to indemnity, and should, moreover, agree to enter into a Treaty of Alliance, offensive and defensive, with the new Monarchy.

With respect to the United States, as they have no Enemy to fear but England, and as it is their interest that they should be on friendly terms with South America, it is evident that any objection which they might have to offer to the establishment of a Monarchical Government would be easily removed.

The French Government agrees to take charge of the Diplomatic Negotiations upon the subject; and promises to grant to the Prince of Lucca all the support, assistance, and protection, which would be granted even to a French Prince.

I entreat you, Sir, to convey these Proposals, which I think advantageous, to your Government, in order that it may decide whether this may not be the best form to be given to it. It is well known that a powerful Party wishes that The United Provinces should constitute themselves into a Republic. Upon this point, permit me to make an observation, which I believe to be peculiarly applicable, because it describes the real circumstances of the case. I shall not dwell upon the essential difference between the United States, as a Country, and South America; you are perfectly acquainted with it, and it would be superfluous to employ any argument to convince you of the fact. You are aware, also, that a State cannot well be constituted into a Republic, but when it is very limited in its extent, and its People are refined in their manners, and for the most part civilized. The strength of a Republic, if not its very existence, depends upon the harmony between all classes, and the cordial co-operation of every individual in the general prosperity; in a word, it is necessary that it be distinguished for virtues which are rarely to be found in the present age. From this view of the question, it is evident that South America, viz. Buenos Ayres and Chile, are not possessed of the indispensable elements of a Republic: the extent of the Provinces is very great; civilization is in its infancy; and the passions and spirit of Party, far from having reached the wished-for end, are continually producing fresh commotions: in

short, anarchy still exercises all its power in many Districts, which ought to be subject to Buenos Ayres; amongst them, the Eastern Bank of the Rio de la Plata, which, from its situation, cannot be separated from it, without producing interminable Wars.

This being the case; — in order to make the Country happy, to check all those conflicting powers whose collision paralyzes the affairs of the Government, and to unite all parties in one common cause, which, for 9 years past, has been the object of such great sacrifices, — there appears to be but one measure, and that is, the establishment of a Constitutional and liberal Monarchy, which, by securing to the People their rights as well as their happiness, would lead to a friendly intercourse with all the Powers of Europe; a benefit which is not to be neglected, when the advantages merely of a commercial intercourse are taken into consideration. The Country would then have a Government, well constituted, and acknowledged by the other Powers: agriculture, of which it stands in need, would soon become a source of riches and plenty: the arts and sciences would flourish: Emigrants from Europe would increase the Population, which is now wholly disproportioned to the extensive Regions which they inhabit; and the Territory which now presents to the eye of the Traveller the aspect only of a barren waste, would be converted into a fertile Country. A great source of wealth also exists in the mines of every kind, from which not only immense Revenues would be derived, but even the prosperity of many other Countries would be promoted.

These various considerations are such as should induce your Government to adopt the Plan proposed: because, to establish the happiness of one's Country, is to be entitled to its gratitude, and to immortal fame, the most glorious and the only reward worthy of the ambition of virtuous Men.

It is known that the English have a considerable Party in the United Provinces; and I beg to be permitted to offer some reflections, and to make some suggestions, upon that point.

Suppose that England should place a Prince of her own upon the Throne of South America, by means of the influence which she has acquired in Europe, during the long Wars for which she has paid, and in which her most important interests were involved, — her object having been to shield herself from the blows which threatened her: she might, for a time, save the Country from a fresh War, and supply

the Government with the physical force necessary to consolidate its power; but is it, therefore, to be supposed that the Nation would be more happy?

In what consists the happiness of a People; and particularly of such a People as that of The United Provinces, who have been labouring so many years for the attainment of their independence, on which their glory depends, and for that happiness to which their numerous sacrifices entitle them?

1st. In the establishment of those rights which nature claims, and therefore approves.

2dly. In the free exercise of the religion which they profess, and whose truths they know and appreciate.

3dly. In the national character, which forms the social tie, and by which the Inhabitants of South America are distinguished from many other Nations, who have not yet reached that degree of civilization in which the general happiness of the People is found to consist.

What could be expected, as regards all these considerations, from England, or from a Prince passionately attached to the principles of that Nation? The People would have to fear even the overthrow of the Catholic Religion, the dominant one of the Country, or at least its contemptuous treatment, or perhaps Religious Civil Wars, which would produce misery in the Nation; besides, his national character, so entirely opposed to that of the civilized Americans, would induce him to act contrary to their social happiness: the consequence of which would be, that, hated by the Natives, he would gratify his personal feelings, and exercise his revenge, if not to the destruction of the Nation which excited it, at least to the extent of enfeebling it so far as to enable him to rule over it despotically.

By this picture, which is a faithful one, you will see that, far from having erected, upon a solid foundation, the edifice so happily begun, its bases would soon be destroyed, and the People, so deserving of a better fate, would fall again into slavery.

If therefore the prosperity of those Countries be the object sought for, they should not be trusted to hands which could not but fetter them, and destroy their rising happiness, which has been so dearly bought. On the other hand, by accepting for their Sovereign the Prince proposed by France, they would have nothing to apprehend with respect to their religion; it would, on the contrary, meet with

solid support from him, at the same time that it would be divested of fanaticism, so injurious to all religions; a liberal spirit would prevail, opposed to licentiousness, so pernicious to a civilized State; all the rights which could insure a perfect felicity to South America would be enjoyed: and they would, in a word, possess a Prince who, having become an American, neither would nor could have any other object in view than that of promoting agriculture, the arts, sciences, and commerce, and of conciliating, by his kindness, the affection of his Subjects.

Under all these circumstances, the Government must determine expeditiously, if they will not lose the most favorable opportunity which can present itself, for securing the happiness of the Country, and the prosperity of its trade.[1]

SECOND SECRET SITTING OF CONGRESS

Buenos Ayres, 3rd November, 1819.

The Members having met in their Hall of Sittings, at the usual hour, they proceeded to take into their consideration the Proposal which had previously been before them, of the Minister for Foreign Affairs at Paris, to Doctor Don José Valentin Gómez, Envoy Extraordinary of this Government to the European Powers, for the erection of a Constitutional Monarchy in these Provinces, under the Sovereignty of the Prince of Lucca, as stated more at length in the Secret Sitting of the 27th of October last.

The Congress, deeply impressed with the importance, the delicacy, and the momentous consequences, of this question, and closely attending to the terms in which it is communicated to it, in the Official Note of the Supreme Executive Power of the 26th October, immediately submitted for consideration, on the one hand, the incompatibility of the proposal, with the Political Constitution of the State, which had been recently sanctioned and published, and unanimously accepted by the People, and which the Congress had solemnly sworn to maintain

[1] The third paper in the series on the *First Secret Sitting of Congress* is omitted. The meeting was held in the Hall of Sittings on October 27, 1819, in Buenos Aires. The two documents here given were read. There was also a secret communication from the Supreme Director requesting papers from General San Martín and the government of Chile explaining the causes for the suspension of the projected expedition against Lima. This communication was not given in the account of the sitting, however.

and observe; and, on the other, the power so to change it not being consistent with the forms which it prescribes, in order the better to provide for its stability and permanency.

Considering, however, that the proposal referred to of the French Minister of State might be viewed as not going beyond the sphere of a simple project of a Negotiation, which would unquestionably be opposed by Great Britain, — with whose interest it would by no means accord, that a Continental Power of the first rank like France, her ancient Rival, (whose political and commercial interests, combined with those of Austria, Prussia, and Russia, would tend most obviously to counterbalance the preponderancy of the British Power,) should acquire a decided ascendancy in these Provinces, by the establishment of a Prince who, from what has hitherto appeared, holds out the expectation, that he will be supported by the above mentioned Powers, and who would, of course, seek to reconcile the interests of America with, or, more correctly speaking, render them subordinate to, the policy of the Continent of Europe; — it was not difficult to perceive that, as the present discussion did not turn upon the Acceptance or Ratification of a Treaty, by which the Constitution, lately adopted, would be either changed or subverted, but merely upon the project of a Negotiation, — a due regard to the interests of the Country, policy, and the exceedingly critical circumstances in which we are placed, destitute as we are of the resources necessary to bring to a close the long and disastrous struggle in which we have been engaged, whilst we are threatened anew by the formidable Force preparing by the implacable pride and obstinacy of Spain; — all concurred in making it our duty to take every possible advantage of this Proposal, in favour of the Political Independence of the Country; — by urging the Court of France to employ its powerful influence with the Cabinet of Madrid, to put a stop to the preparations of the grand Expedition destined for the subjugation of these Provinces, so obstinately persisted in by the Catholic King; — by disposing the Government of France, already inclined, in relation to this particular interest, to open Communications with our Government, to proceed still further, and gradually to acknowledge it; (thus overcoming the repugnance of the Ministers of Crowned Heads to entertain a Correspondence with the Envoys of an Infant Republic, to whom the greatest favor they shew is barely to admit its existence, de facto; while it is evident that the Government

of France, by the simple fact of its Proposal, supposes us, tacitly at least, to be in a condition which authorizes us to dispose of our lot, and that of the Provinces, by means of a Treaty); — by so far countenancing the Proposal of France, and, at the same time, judiciously laying it before Great Britain, so as to induce the latter Power to acknowledge our absolute Independence, and to engage it to aid us in supporting it; — and, finally, by gaining for us the time (at least so long as, by Negotiation, we are able to divert or suspend the Spanish Fleet or Expedition,) necessary to produce tranquillity in the interior, to prepare for our defence, and to establish our credit abroad; and thereby to place ourselves upon such a respectable footing as may give us greater advantages in this or any other Treaty, — the stipulations of which must finally be submitted to the Senate, two-thirds of whom are required, by the Constitution, to concur in order to its acceptance; which Constitution cannot be altered, in any of its Articles, especially in those which constitute the essential form of the Government, but by the concurrence of both Chambers, in the form and manner prescribed by that Constitution.

These and several other prudent and deliberate suggestions, calculated to provide for the welfare of the Country, to maintain the Constitution, and to leave the succeeding Legislatures perfectly free to enter upon this most important question, in the manner best calculated to fix the fate of the Provinces, and to establish their prosperity upon a solid and permanent basis, having been duly considered; the following Motion was put to the vote: — Shall the Proposal under discussion be admitted, conditionally, or not? The votes being counted, it was resolved in the affirmative.

Senors Zudanez and Villegas explained their votes, in writing, and the Chamber directed that the Senors Dias Velez, Azevedo, and Lazcano, who were not present at the Sitting, be invited to transmit their votes.

It then proceeded to appoint a Committee to present, in the form of a Project, the conditions upon which the vote of the Chamber was to be admitted, when it was decided that the Senors Deputies Bustamante, Funes, and Saenz, be chosen for that purpose.

Upon which the Sitting was closed.

Deputies present: The President, The Vice-President, Pacheco, Uriarte, Sorilla, Viamont, Guzman, Rivera, Zudanez, Bustamante, Funes, Saenz, Gallo, Carrasco, Chorroarin.

In the Sitting of the 3rd of November, 1819, in which the Proposal made by the French Government, for receiving the Prince of Lucca as King of these Provinces, was discussed and decided, my vote was as follows:

Not being authorized to act in contradiction to the wish expressed by my Province, for a Republican Government, as declared in the Instructions given to its Deputies to the General Constituent Assembly, or to change in its fundamental principle the Constitution of the State, I am opposed to the Proposal of the French Government, of accepting the Prince of Lucca as King of the United Provinces. And, although I am persuaded that this Project, degrading and prejudicial as it is to the national dignity and prosperity, must prove abortive, even in France itself, yet, on considering the advantages that may be derived from communicating it, together with a Copy of the Memorandum of the Baron de Rayneval, to the British Cabinet and to the United States of North America, I am of the opinion that the communication should be immediately made to them, accompanied by an exposition of the probable motives for making, and the consequences to be expected from, this Proposal; — that the Chargés d'Affaires, Gómez and Rivadavia, with a view to gain time, should continue to entertain the subject with the French Government as long as may be practicable, without disclosing themselves; but that, when they shall find it expedient to communicate the Ultimatum of the Sovereign Congress, they should proceed to England, a Nation of more importance to America than the whole of the Continent of Europe, for the purpose of putting into motion the precious springs placed within their reach by this Negotiation; — and that the Deputy despatched to the Government of Chile, by its Envoy at Paris, with Deputies relating to the same subject, should continue his journey, without being informed of the decision which has been come to here. I explain my vote, under my hand.

JAYME DE ZUDANEZ

In the same Sitting, the Deputy Don Alexo Villegas voted as follows: — Without entering at present into an examination of the advantages or disadvantages of the Project, it is my opinion, that as its admission would be diametrically opposed to the Constitution, to which we have recently sworn, the Congress has not the power to admit it; and I am further of opinion, that, if the Project were ad-

mitted as advantageous to the Country, it would be invalid from the simple fact of its being admitted by the present Sovereign Congress, without the observance of the rules prescribed by the Constitution, in the Chapter which treats of its reform, more particularly as the meeting of the Constitutional Legislature is so near at hand.

ALEXO VILLEGAS

In the same Sitting, and upon the same question, my vote was, that the Project should be admitted conditionally, under Instructions to be given to the Envoy; my vote being in the affirmative, with absolute reference to the conditions, which I consider most essential; and in case they be not approved by the general sanction, I vote for the negative; and I hereby explain my vote.

JOSÉ MIGUEL DIAS VELEZ

THIRD SECRET SITTING OF CONGRESS

Buenos Ayres, 12th November, 1819.

The Deputies having met, at the usual hour, in the Hall of Sittings, the Committee charged with framing the Project of the Conditions, upon which should be admitted the Proposition made by the Minister for Foreign Affairs at Paris, to establish in the United Provinces a Constitutional Monarchy, (which subject had been discussed with the greatest attention in the preceding Sittings,) being present, and it having been ultimately resolved to admit the same, conditionally, they announced to the Chamber, that they were ready to present their Report.

The Project, presented in writing, was then read 3 several times, and general observations were made upon it; after which, each of the 9 Conditions of which it was composed, was singly and separately considered; as follows: —

The 1st. that: "His Most Christian Majesty takes upon himself the charge of obtaining the consent of the 5 High Powers of Europe, and even that of Spain," was approved, with the special addition, that the assent of England thereto be obtained.

Senors Zudanez, Dias Velez, Uriarte, and Rivera, explained their votes, as recorded in the Book of the Session.

The 2nd Condition, that: "After having obtained this assent, His Most Christian Majesty shall facilitate the marriage of the Prince of

Lucca with a Princess of Brazil; a consequence of which should be the renunciation, by His Most Faithful Majesty, of all pretensions to the Territories possessed by Spain, according to the last demarkation, and to any indemnity which he might claim for the expense of his present enterprize against the Inhabitants of the Northern Bank of the Rio de la Plata," was approved: — with the amendment that, instead of *Northern Bank*, should be substituted *Eastern Bank*, omitting the words — "*of the Rio de la Plata.*"

The 3rd and 4th Conditions were then considered, in their order, and were approved of in the following terms: — 3rd. "France shall undertake to afford to the Prince of Lucca, all the necessary assistance to establish the Monarchy in these Provinces, upon a respectable footing; and it shall comprize not only the Territory within the ancient limits of the Viceroyalty of the Rio de la Plata but also that of the Province of Montevideo, together with all the Banda Oriental, Entrerios, Corrientes, and Paraguay"; — 4th. "These Provinces shall acknowledge as their Monarch the Prince of Lucca, subject to the Political Constitution to which they have sworn; those Articles excepted, which may not be adaptable to the form of an hereditary Monarchical Government: which Articles shall be amended in the constitutional manner prescribed by the Constitution."

The 5th Condition, that "The highest Powers in Europe having agreed upon the elevation to the Throne of the Prince of Lucca, this project shall be realized, even should Spain persevere in the attempt to reconquer these Provinces," was in like manner approved.

The Deputy Zudanez recorded his vote.

The 6th Condition, that, "In the latter case, France shall either hasten the arrival of the Prince of Lucca, with all the Forces required for such an undertaking, or shall place this Government in a condition to resist the Forces of Spain, by furnishing it with Troops, arms, Ships of war, and a Loan of 3 or 4,000,000 of dollars, to be repaid after the War shall be ended, and the Country restored to tranquillity," was approved; — with the amendment, that, instead of 3 or 4,000,000, the words 3 *or more millions*, should be substituted.

The Deputy Diaz Velez recorded his vote.

The 7th, 8th, and 9th Conditions were in due order examined, and approved, in the following terms: — 7th. "This Project shall be without effect, if there be reason to apprehend that England would see with

uneasiness the elevation of the Prince of Lucca, and might be disposed to resist or frustrate it by force." — 8th. "The Treaty concluded between the Minister for Foreign Affairs of France and our Envoy at Paris, shall be ratified within the time to be agreed upon for that purpose, between His Most Christian Majesty and the Supreme Dictator of this State, with the previous consent of the Senate, according to the constitutional forms." — 9th. "Our Envoy shall obtain the time that may be necessary, in order that an affair of such great importance may be negotiated here; and shall use all the circumspection and precaution required, by the delicate nature of the transaction, as well to prevent the failure of the Project, as to guard against the fatal consequences which (were it to transpire prematurely) would be the effect of the malignant commentaries upon it of the Enemies to the prosperity of our Country."

The votes of the Deputies, who were not present at the last Sitting, having been requested, on the proposition whether the Project should be accepted conditionally, or not, they presented themselves in the Hall for that purpose. The Deputy Diaz Velez recorded his vote.

Thus ended the Sitting.

Deputies present: The President, The Vice-President, Lazcano, Zudanez, Sorilla, Uriarte, Pacheco, Bustamante, Azevedo, Guzman, Carrasco, Chorroarin, Rivera, Diaz Velez, Saenz, Gallo, Funes.

76. Darwin's Impression of Rosas

[1833. Charles Darwin, *Journal of Researches into the Natural History and Geology of the Countries Visited during the Voyage of H. M. S. Beagle round the World, under the Command of Capt. Fitz Roy, R. N.* (1896), 71–74, 103, 120, 140–141. Reprinted by permission of the publishers, D. Appleton and Company, New York.]

During his visit to Argentina Charles Darwin had occasion to meet General Rosas and to learn about his work and the extent of his influence in political matters. He met him on his large *estancias* in the valley of the Rio Colorado and learned of the powerful position he held among the *gauchos* of that part of the *pampas*. Later, when he came to leave Buenos Aires, he had occasion to know the power of Rosas in national politics.

His impressions of the dictator of the Argentines are given in the following excerpts:

The encampment of General Rosas was close to the river.[1] It consisted of a square formed by waggons, artillery, straw huts, &c. The soldiers were nearly all cavalry; and I should think such a villanous, banditti-like army was never before collected together. The greater number of men were of mixed breed, between Negro, Indian, and Spaniard. I know not the reason, but men of such origin seldom have a good expression of countenance. I called on the Secretary to show my passport. He began to cross-question me in the most dignified and mysterious manner. By good luck I had a letter of recommendation from the government of Buenos Ayres to the commandant of Patagones. This was taken to General Rosas, who sent me a very obliging message; and the Secretary returned all smiles and graciousness. We took up our residence in the *rancho*, or hovel, of a curious old Spaniard, who had served with Napoleon in the expedition against Russia.

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General Rosas intimated a wish to see me; a circumstance which I was afterwards very glad of. He is a man of an extraordinary character, and has a most predominant influence in the country, which it seems probable he will use to its prosperity and advancement.[2] He is said to be the owner of seventy-four square leagues of land, and to have about three hundred thousand head of cattle. His estates are admirably managed, and are far more productive of corn than those of others. He first gained his celebrity by his laws for his own estancias, and by disciplining several hundred men, so as to resist with success the attacks of the Indians. There are many stories current about the rigid manner in which his laws are enforced. One of these was, that no man, on penalty of being put into the stocks, should carry his knife on Sunday: this being the principal day for gambling and drinking, many quarrels arose, which from the general manner of fighting with the knife often proved fatal. One Sunday the Governor came in great form to pay the estancia a visit, and General Rosas, in his hurry, walked out to receive him with his knife, as usual, stuck in his belt. The steward touched his arm, and reminded him of the law; upon

[1] The Rio Colorado.

[2] Darwin wrote in 1845, "This prophecy has turned out entirely and miserably wrong."

which turning to the Governor, he said he was extremely sorry, but that he must go into the stocks, and that till let out, he possessed no power even in his own house. After a little time the steward was persuaded to open the stocks, and to let him out, but no sooner was this done, than he turned to the steward and said, "You now have broken the laws, so you must take my place in the stocks." Such actions as these delighted the Gauchos, who all possess high notions of their own equality and dignity.

General Rosas is also a perfect horseman — an accomplishment of no small consequence in a country where an assembled army elected its general by the following trial: A troop of unbroken horses being driven into a corral, were let out through a gateway, above which was a cross-bar: it was agreed whoever should drop from the bar on one of these wild animals, as it rushed out, and should be able, without saddle or bridle, not only to ride it, but also to bring it back to the door of the corral, should be their general. The person who succeeded was accordingly elected; and doubtless made a fit general for such an army. This extraordinary feat has also been performed by Rosas.

By these means, and by conforming to the dress and habits of the Gauchos, he has obtained an unbounded popularity in the country, and in consequence a despotic power. I was assured by an English merchant, that a man who had murdered another, when arrested and questioned concerning his motive, answered, "He spoke disrespectfully of General Rosas, so I killed him." At the end of a week the murderer was at liberty. This doubtless was the act of the general's party, and not of the general himself.

In conversation he is enthusiastic, sensible, and very grave. His gravity is carried to a high pitch: I heard one of his mad buffoons (for he keeps two, like the barons of old) relate the following anecdote: "I wanted very much to hear a certain piece of music, so I went to the general two or three times to ask him; he said to me, 'Go about your business, for I am engaged.' I went a second time; he said, 'If you come again I will punish you.' A third time I asked, and he laughed. I rushed out of the tent, but it was too late; he ordered two soldiers to catch and stake me. I begged by all the Saints in heaven he would let me off; but it would not do; — when the general laughs he spares neither mad man nor sound." The poor flighty gentleman looked quite dolorous, at the very recollection of the staking. This is a very severe

punishment; four posts are driven into the ground, and the man is extended by his arms and legs horizontally, and there left to stretch for several hours. This idea is evidently taken from the usual method of drying hides. My interview passed away without a smile, and I obtained a passport and order for the government post-horses, and this he gave me in the most obliging and ready manner.

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General Rosas's plan is to kill all stragglers, and having driven the remainder to a common point, to attack them in a body, in the summer, with the assistance of the Chilenos. This operation is to be repeated for three successive years. I imagine the summer is chosen as the time for the main attack, because the plains are then without water, and the Indians can only travel in particular directions. The escape of the Indians to the south of the Rio Negro, where in such a vast unknown country they would be safe, is prevented by a treaty with the Tehuelches to this effect; that Rosas pays them so much to slaughter every Indian who passes to the south of the river, but if they fail in so doing, they themselves are to be exterminated. The war is waged chiefly against the Indians near the Cordillera; for many of the tribes on this eastern side are fighting with Rosas. The general, however, like Lord Chesterfield, thinking that his friends may in a future day become his enemies, always places them in the front ranks, so that their numbers may be thinned. Since leaving South America we have heard that this war of extermination completely failed.

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While changing horses at the Guardia several people questioned us much about the army, — I never saw anything like the enthusiasm for Rosas, and for the success of the "most just of all wars, because against barbarians." This expression, it must be confessed, is very natural, for till lately, neither man, woman, nor horse, was safe from the attacks of the Indians.

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Being arrived at the mouth of the Parana, and as I was very anxious to reach Buenos Ayres, I went on shore at Las Conchas, with the intention of riding there. Upon landing, I found to my great surprise that I was to a certain degree a prisoner.[1] A violent revolution

[1] This was the revolution of 1833. Darwin wrote under date of October 20 of that year.

having broken out, all the ports were laid under an embargo. I could not return to my vessel, and as for going by land to the city, it was out of the question. After a long conversation with the commandant, I obtained permission to go the next day to General Rolor, who commanded a division of the rebels on this side of the capital. In the morning I rode to the encampment. The general, officers, and soldiers, all appeared, and I believe really were, great villains. The general, the very evening before he left the city, voluntarily went to the Governor, and with his hand to his heart, pledged his word of honour that he at least would remain faithful to the last. The general told me that the city was in a state of close blockade, and that all he could do was to give me a passport to the commander-in-chief of the rebels at Quilmes. We had therefore to take a great sweep round the city, and it was with much difficulty that we procured horses. My reception at the encampment was quite civil, but I was told it was impossible that I could be allowed to enter the city. I was very anxious about this, as I anticipated the Beagle's departure from Rio Plata earlier than it took place. Having mentioned, however, General Rosas's obliging kindness to me when at the Colorado, magic itself could not have altered circumstances quicker than did this conversation. I was instantly told that though they could not give me a passport, if I chose to leave my guide and horses, I might pass their sentinels. I was too glad to accept of this, and an officer was sent with me to give directions that I should not be stopped at the bridge. The road for the space of a league was quite deserted. I met one party of soldiers, who were satisfied by gravely looking at an old passport: and at length I was not a little pleased to find myself within the city.

This revolution was supported by scarcely any pretext of grievances: but in a state which, in the course of nine months (from February to October, 1820), underwent fifteen changes in its government — each governor, according to the constitution, being elected for three years — it would be very unreasonable to ask for pretexts. In this case, a party of men — who, being attached to Rosas, were disgusted with the governor Balcarce — to the number of seventy left the city, and with the cry of Rosas the whole country took arms. The city was then blockaded, no provisions, cattle or horses, were allowed to enter; besides this, there was only a little skirmishing, and a few men daily killed. The outside party well knew that by stopping the supply of

meat they would certainly be victorious. General Rosas could not have known of this uprising; but it appears to be quite consonant with the plans of his party. A year ago he was elected governor, but he refused it, unless the Sala would also confer on him extraordinary powers. This was refused, and since then his party have shown that no other governor can keep his place. The warfare on both sides was avowedly protracted till it was possible to hear from Rosas. A note arrived a few days after I left Buenos Ayres, which stated that the General disapproved of peace having been broken, but that he thought the outside party had justice on their side. On the bare reception of this, the Governor, ministers, and part of the military, to the number of some hundreds, fled from the city. The rebels entered, elected a new governor, and were paid for their services to the number of 5500 men. From these proceedings, it was clear that Rosas ultimately would become the dictator: to the term king, the people in this, as in other republics, have a particular dislike. . . .

77. Address of General Rosas to the House of Representatives of Argentina

[September 15, 1851. Charles S. Stewart, *Brazil and La Plata: The Personal Record of a Cruise* (1856), 240–243. Published by G. P. Putnam and Company, New York.]

There have been few characters in Hispanic American history about whom such a difference of opinion exists as that of Juan Manuel de Rosas. He was born in 1793 of a wealthy Porteño family, and spent most of his time as a young man raising cattle on the family estates in the *pampas* of southern Argentina. He became the idol as well as the model of the *gauchos* of that region. At the age of twenty-five he was their acknowledged leader. He entered politics and became the champion of the proponents of federation. In 1829 he supported Estanislao López, governor of the province of Santa Fé, in the war on General Juan Lavalle. In the same year he was appointed governor and captain general of the province of Buenos Aires. From that time to 1852 he was the chief ruler in that province. This period of Argentine history is known as the "Age of Rosas."

The defection of his lieutenant General Justo José de Urquiza brought on a crisis in the affairs of Rosas. With the aid of the Uruguayan and Brazilian military forces General Urquiza was able to defeat the dictator at the battle of Monte Caseros on February 3, 1852. Rosas fled to England, where he died in 1877. In this address he reviewed the events of his administration and proposed plans for the future.

LONG LIVE THE ARGENTINE CONFEDERATION!
DEATH TO THE RUTHLESS, LOATHSOME UNITARIANS!
DEATH TO THE INSANE TRAITOR, THE RUTHLESS UNITARIAN URQUIZA!

PALERMO DE SAN BENITO, SEPT. 15TH, 1851 —
Year the 42nd of Liberty, 36th of our Independence, and 22d of the Argentine Confederation —

To the Honorable House of Representatives —

MESSIEURS REPRESENTATIVES: —

To command the Republic during a long period of agitation and social disorder; to save the country from fratricidal war; to accompany it in the glorious defence of its liberties; and contribute to preserve it from the ambition of the destructive and treacherous band of ruthless unitarians, was the eminently honorable mission that the Argentine people imposed upon me, and which I gratefully accepted with the enthusiasm and love due to my country and to my fellow-citizens.

After a memorable epoch, in which was assigned to the Argentine Confederation the glory of consolidating its independence, overwhelming its enemies; and to the undersigned, the distinguished honor of presiding over it; after the Republic had suppressed internal anarchy and was in the enjoyment of peace, developing its elements of prosperity, I considered the moment had arrived to resign the supreme command, to which I had been exalted by the spontaneous, reiterated suffrage of my countrymen, — and I earnestly requested you to appoint another citizen as my successor.

You refused to admit my fervent prayer — the inhabitants of this province also opposed it with kind firmness, and exercising the right of petition, begged your honors to persist in not acceding to my repeated tenders of resignation; and the Provinces of the Confederation, expressing their wishes through their Honorable Legislatures and

Governments, likewise exacted, with generous interest, my continuation at the head of the national affairs, as the means of insuring the present happy condition of the Republic, and of preparing for a glorious future.

Overpowered by such decision, and so much benevolence; oppressed by a deep-felt gratitude toward the Argentine Federals, yet destitute of words becomingly to express those feelings, I presented to your honors, to my fellow-citizens, and to the confederate provinces, the homage of my most ardent and profound acknowledgment — I recognized with veneration the immense debt which the magnanimous vote of the republic imposed upon me, but unwilling to sacrifice to grateful emotions the sacred interests of my country, I continued vehemently yet respectfully to demand from your honors and the confederate provinces a successor, who, unbiased by the scruples arising from my republican views, could co-operate more efficaciously than myself, to the aggrandizement of our dearly beloved country.

The tranquillity which the Republic experienced, the union which prevailed throughout its provinces, the wisdom with which, ameliorating its institutions, it expended the resources of its welfare, and the external peace which its loyal, upright and generous policy towards all nations foreshadowed, indicated to me that the moment had presented itself for resigning the command, without injury to the nation.

Animated by so cheering a conviction, I insisted in my fervid renunciation before your honors, and the confederate Provinces, believing that my prayer, the sincerity of my words, and the cogency of my reasons, would duly influence the minds of the Argentine people, and induce them to accede to my separation from the supreme authority.

But while I expected this, and the undisturbed state of the Republic warranted me to entertain such a hope; at this very moment, the insane traitor, the ruthless unitarian Urquiza, raised the standard of rebellion and anarchy. Aspiring to sever, with his degraded sword, the bonds that unite the people of Entre-Rios to the confederation, and to constitute himself the arbiter of the Argentines, he ignominiously sold himself to the Brazilian Government, that, persisting in its obstinate ambition, has invaded and attacked, with unprecedented treachery, the territory and the Independence of the Republics of the Plata.

In so solemn a crisis for the Argentine community, when its loyal sons, displaying, as at all times, their renowned valor, rise in arms to resist and chastise their enemies, avenging so many and such scandal-

ous outrages; when they prepare themselves with sublime self-denial for the most honorable efforts, I have received a new declaration from the Confederate Provinces, that peremptorily demands my continuance in the supreme command, and of which you will be informed by the correspondence that I will have the honor of presenting.

And since the nation so demands it of me, in such critical moments for its tranquillity; since in the presence of violent foreign aggressions, and an unexampled rebellion, my compatriots request me to accompany them to the post I occupy, to defend our independence and national honor; since the Republic, exasperated by the audacious hostilities of the Brazilian Government, and the treason of the ruthless Unitarians, prepares to retaliate the war which they have precipitated; at so notable an epoch I cannot refuse, nor do I refuse, honorable Representatives, my continuance in the Government, provided your honors, my compatriots, and the Confederate Provinces consider that it may be useful and necessary to the national welfare.

Consistently with my principles, my obligations, and my reputation, I cheerfully defer to the call of the Republic in the actual circumstances, and thus continuing in the supreme command, I also will have the signal honor of accompanying my beloved federal compatriots, in their heroic resolutions of vindicating the national independence and glory, attacked by the perfidious Brazilian Cabinet, by the ruthless, loathsome Unitarians, and by the despicable insane traitor, the ruthless unitarian Urquiza.

In accordance with this determination, I therefore present myself, in the same manner as the loyal Argentines, resolved to fulfil once more any reiterated pledge, of sacrificing all in the defence of the order, the liberty, and the honor of the Confederation.

My fellow-citizens, who have always found me participating in their difficulties, will now find me the same, with sound and robust health, and always consistent with those principles. They will see that, if when the Republic enjoyed peace and tranquillity, I desired to withdraw from the supreme command, to continue my services in some other subaltern post, where I might have performed them to advantage, now that new enemies of the Confederation appear, and that the loathsome band of the ruthless Unitarians, headed by the insane traitor, ruthless unitarian Urquiza, dares to raise its bloody standard, here I am, ready at the call of the nation, and with energy equal to my duties, and to the hopes of the public, willing to contend in union

with the virtuous Argentine Federals, till we have left triumphant and consolidated, the independence, the rights, the dignity, and the future fate of the nation.

This, Messrs. Representatives, is the resolution I have adopted in view of the present events and circumstances.

And desiring here now to transmit it to your knowledge, I had the honor of announcing it verbally to the Honorable President, and to one of the deputy secretaries of your honorable Corporation, requesting the former, on reporting it to the Honorable Representatives, at the first session they might have, to reiterate to them my profound gratitude.

God preserve your honors for many years.

JUAN MANUEL DE ROSAS

78. A Visit to the Battlefield of Monte Caseros

[February 24, 1852. Charles S. Stewart, *Brazil and La Plata: The Personal Record of a Cruise* (1856), 322–325. Published by G. P. Putnam and Company, New York.]

"My views of the reign of Rosas," wrote Captain Stewart in April, 1853, "are much modified by passing events and the knowledge they give of the people. In the various revolutions and counter-revolutions of the years preceding his accession to power, thirty thousand of them perished from bloodshed and violence at the hands of each other; and more lives have been sacrificed here, in the same manner, within the last three months, than during the whole of his despotic rule. His policy was to put to death, those whom he regarded as factionists and dangerous citizens, and thus, by inspiring terror, to secure peace, order, and safety to the mass. How far was he in error?" [1] A brief account of the career of General Rosas is given in the note to the preceding document. Captain Stewart's description of his visit to the battlefield of Monte Caseros follows:

On Saturday, I accompanied a large party of ladies and gentlemen, Americans and English, in a visit to the scene of the late battle. It is called indiscriminately, "Monte Caseros," from the name of the

[1] *Brazil and La Plata*, 424.

country-house at which Rosas took position in meeting the enemy, and "Moron," from that of the nearest hamlet, a mile or two distant.

We were off at an early hour. The morning was brilliant, and delightful in its freshness: almost too cool, in contrast with the excessive heat of the first few days after my arrival. The road we took led past several country-seats in the suburbs, at which the victorious troops were still quartered. Their horses and camp-fires had made sad havoc with the shrubberies and plantations of these; many of the trees being terribly barked by the former, while their limbs had been stripped off and cut up for fuel by the latter. Bivouac after bivouac, and rude encampment after encampment, extended miles beyond Palermo; while the road on either side, and often in its centre, presented the aspect of a continued slaughter house — the hoofs, horns, hides and entrails of the animals daily slain for the subsistence of the soldiery, being scattered about every where, and polluting the air with their offensive effluvia. The whole distance of fifteen miles, gave evidence of the desolating effects of the retreat of the vanquished, and of the marauding presence of the victors.

At the end of twelve miles, we came upon the military village of Santos Lugares, composed of brick huts, the regular cantonment of the army, from which Rosas had led his force of twenty thousand to Monte Caseros, on the evening of the 1st instant. This seemed now, literally, a "deserted village": every building being vacant, with the appearance of having suffered utter pillage. It has its church, and an extensive common, or green, ornamented at one point by a clump of ombu, a species of gum-tree — the chief emblem of the country. Shortly after passing this, we caught view in the distance of the white tower of Monte Caseros, the head-quarters of Rosas at the commencement of the battle. Its mirador, or observatory, commands a view of the surrounding region; and from it he watched the advance of Urquiza, and for a time, the progress of the engagement. He then descended to the field, and took part in the fight, till it was evident that the day was lost. Persuaded of this, he seized a cartridge from the box of a common soldier; breaking it in pieces, he blackened his face with the powder, and mounting a magnificent horse, in readiness near by, succeeded in making his escape amid the dust and uproar of the general rout. He made his way without being recognized, to the residence of the British minister in the city. There his daughter joined him, and under

the guidance of that gentleman both sought refuge at midnight, in the disguise before mentioned, on board the flag-ship of Admiral Henderson.

Evidences of the conflict, or rather of the flight and pursuit, now began rapidly to multiply, in tattered portions of clothing and in accoutrements — caps, sword-belts, cartridge-boxes, bayonet-sheaths, cuirasses, and broken musical instruments, and drums. What seemed the most singular part of this camp equipage, was the quantity of letters and manuscript papers, scattered widely and for great distances over the ground. Soon the more revolting spectacle of a dead body presented itself here and here, naked and ghastly, blackening in the sun, in a frightful state of decomposition, and tainting the whole atmosphere by its impurity. These multiplied rapidly as we advanced; none of the slain of either party having yet been buried, excepting such as have been sought for and discovered by personal friends. The brick walls of the country-house and those of a large circular dove-cote, of the same material, whitewashed, are a good deal marked and shattered by balls both of cannon and musketry. After Rosas had left the observatory and the house, a strong party of his officers kept possession of them. When the battle seemed to be given up, it was supposed by the victors that these, like others outside, had surrendered; but on attempting to enter, they were met by a volley of musketry, with the cry of "Viva Rosas!" This led to an immediate onslaught by the assailants; and every man within, amounting to thirty or forty, was at once put to the sword. Till within a day or two past, their bodies lay piled upon each other as they had thus fallen, upon the stairs and platforms of the tower; and since having been dragged out, still lie scattered over the lawn in nakedness and putrefaction. Two or three bodies are stretched on the roof of the dove-house also, as they fell on being shot down in its defence.

Though the engagement commenced at daybreak and continued three or four hours, the number of the slain is thought not to exceed three hundred; and the wounded, not more than six. Still these numbers are quite sufficient, where father met son and brother met brother, in deadly fight. While we were on the tower, two brothers happened there, and pointed out to us the positions of the two forces, at different times during the engagement. Both were in the battle, one with the troops of Rosas, and the other with those of Urquiza.

. . . . . .

One result of the excursion, was the opportunity it afforded me of gaining my first sight of what is here termed the "camp"; the flat open country of the pampas, or plains, which extend hundreds of leagues, with a surface more level and less wooded than that of the prairies of the West with us: a vast sea of grass and thistles, without roads or enclosures, and without a habitation, except at long intervals. Nothing breaks the unvarying outline, unless it be now and then an ombu, rising on the distant horizon, like a ship at sea. Travellers upon these plains, whether on horseback or in carriages, like voyagers on the ocean, direct their course over the trackless expanse, by compass.

79. The Public Entry of Urquiza and the Allied Armies into Buenos Aires; and the Te Deum commemorating the Overthrow of Rosas

[February 19 and 22, 1852. Charles S. Stewart, *Brazil and La Plata: The Personal Record of a Cruise* (1856), 325–333. Published by G. P. Putnam and Company, New York.]

Captain Stewart gave the following account of the public entry into the city of Buenos Aires of General Urquiza and the allied armies after the battle of Monte Caseros. He also incorporated into his account of the *Te Deum*, commemorating the downfall of General Rosas, the following excerpts from the sermon preached on February 22, 1852.

The 19th (of February, 1852) was appointed for the public entry of Urquiza into the capital (Buenos Aires), with the entire allied force, cavalry, infantry, and artillery, to the number of twenty thousand. Rain during the preceding night, laid the dust and freshened the air. The morning was pure, cool and pleasant, somewhat obscured by clouds till noon, but after that hour, clear and brilliant. Every street and every house was gay with fluttering flags and the banners of all civilized nations, and the whole city in gala dress. I had invitations to the balconies of several private houses in different streets through which the procession would pass; but preferred a roving commission, with the advantage of being able to change at pleasure my point of view. I chose a stand at an angle of the Plaza Victoria, or place of victory, the principal square in the city, near a triumphal arch thrown

over the street through which the procession would *débouche* upon the Plaza. It was the best point for observation; giving a near view of the chief officers and troops, and commanding in *coup d'œil* the masses of the people in the open square; the decorations of the monument of victory in its centre; and of the public buildings facing it, as well as of the crowded balconies and flat-topped roofs of the surrounding houses, thronged with spectators of all ages and both sexes in holiday attire.

Urquiza as captain-general and commander-in-chief, with his staff, headed the columns. These had formed at Palermo, the cavalry being eight, and the infantry and artillery twelve abreast. The chieftain's dress and that of his staff was not full uniform. With a military coat, he wore a round beaver hat and scarlet hatband, and held a riding-whip in his hand as if on a hunt. The red hatband, besides its demi-savage look, gave offence, it is said, to the Buenos Ayreans, by reminding them of the thraldom of which it had been made a badge under Rosas; and which, with the waistcoat and everything of the same color, they had indignantly and with abhorrence thrown off, the moment they found themselves free to do so. It is also said that every demonstration of popular feeling, by shouts and vivas, had been interdicted; and there was little enthusiasm manifested in this way. Bouquets, however, were showered upon the conqueror in great abundance, and his hands and those of his immediate suite were filled with such as had been picked up and handed to them. It struck me, notwithstanding, that there was nothing very gracious in the expression of countenance or manner of the hero: that something had gone amiss, and he was only tolerating with decent civility the courtesies shown him. He declined to dismount in the city, and continued to ride in circuit to Palermo again. The cavalry constituting the principal body of the troops, in the Gaucho dress of red flannel shirts and cheripas, white cotton pantalets, and red caps worn *à la brigand*, had all the appearance of so many wild Arabs, clothed in red in place of white. They were barefooted, and unshaven and unshorn; and varied in complexion, from the red and white of the Saxon, here and there, to the jet of Congo. Four hours were occupied by the procession in passing a single point; though the cavalry, towards the close, rode at full charge, when, especially, they bore an aspect as wild as that of the desert itself. General Lopez, the Governor or President of the Province of Corrientes, second to Urquiza in command, appeared in full military

costume, as did Baron Caxias, chief of the Brazilian division. Both were magnificently mounted.

The booming of cannon from various points was heard during this triumphal march through the city; and a stationary band in front of the cathedral played at intervals, as the regimental bands, one after another, passed beyond hearing. In the evening, the arcades surrounding the eastern and southern sides of the Plaza, the cabildo or town hall fronting it on one side, the cathedral at one corner, and the monument of victory in the centre, were illuminated; and for an hour or more, there was a good display of fireworks. The remaining days of the week were proclaimed holidays, and the decorations in flags, the illuminations, and music at night were continued.

Two days ago (February 22nd), a grand Te Deum, in commemoration of the overthrow of Rosas, was celebrated in the cathedral, in presence of Urquiza and of the newly appointed provisional government; the officers of the allied armies; and of all the dignitaries of the church. An immense crowd was brought together by the interest of the occasion itself, and by the spectacle presented in so large an assemblage of persons of official rank and power. The ordinary services were accompanied by a rhapsody in the form of a sermon, delivered by a young ecclesiastic, who, from having been chosen for orator on such an occasion, must have some pretension to talent and eloquence. I have seen a copy of his discourse in Spanish, and will give a hasty translation of some of its passages which throw light upon the popular view of the public character and government of Rosas; and give proof also of the adulations showered upon the Conqueror. The address occupied more than an hour in the delivery, and is at least a curiosity as a sermon.[1]

. . . . . .

Tell me, was it not right for the Romans, adorning themselves with garlands of flowers and clothed with gladness, to hail with hallelujahs the jubilee of their deliverance; to throw open their temples and offer incense to their gods in testimony of their gratitude, when they saw the dead body of the most barbarous of their sovereigns—that monster, whose cruelty was not satiated with the blood even of his own mother, and whose corruption made him regardless of the most sacred obligations of the marriage tie? Was it not right, I say, that the Roman

[1] Then follow, after a few introductory remarks by Captain Stewart, the excerpts from the sermon.

people should hymn songs of thankfulness before the altars of their gods, in view of the still palpitating remains of Nero, that impersonation of cruelty, who, seated on a mount, instead of weeping like the prophets over the destruction of the capital set on fire by himself, rejoiced in the death shrieks of its inhabitants? I do not believe, gentlemen, that any of you condemn this conduct of the Romans — do I say condemn? I know that you justify, you praise, you applaud it; and if it was right, if it was laudable, if it was praiseworthy in the Romans gratefully to acknowledge, and joyfully to give thanks to their gods for a deliverance from the tyranny of Nero, is it not equally so in us Argentines to offer to the true God the incense of our praise for liberating us from the despotism of Rosas — that tyrant, that wild beast, that scandal of our nation, that shame upon humanity, that scourge of society and of religion, that minotaur, more thirsty for blood than him of Crete who fed on human victims? Yes! all of you will confess that it is just — and the more just as he was more cruel than even Nero. How more so? Can it be possible that there ever was a man as cruel as he, much less more so? Sirs, the lengthened series of eighteen hundred years did not, indeed, produce such a man: but the epoch of the barbarous Dictator of the Argentine Republic had not yet arrived. The nineteenth century, great in all its aspects in the annals of ages, was to be conspicuous by the production of this monster of cruelty. Yes, gentlemen, he was not only as cruel, but more cruel than the oppressor of the Romans.

Let us make the comparison. But first, Argentines, rise from the places you occupy — rise, and make haste to close the temple doors that no foreigner come in; and if any such should already have entered, supplicate them to retire, that they hear not of the horrors perpetrated by a son of our soil. Yes! rise, hasten quick, fly! But why? Alas! oh sorrow! — stay! stay! it is too late: the clamorous echo of the cry raised by his cruelty has resounded to the ends of the earth. I retract my call, and beg you, Argentines, to fly — yes, fly to the portals of the temple: but let it be open to them widely from side to side that entrance may be given to the inhabitants of the whole world — if it were possible, of the entire universe — to be witnesses of our reclamation, and hear the protest we solemnly make in the presence of the heavens and of the earth before the altars of our God: Neighboring Republics! Foreign nations! all ye people of the earth! know and transmit to your descendants from age to age that the children of the

Plata repudiate this monster; we despoil him of the prerogatives of an Argentine; we banish him from our fatherland; and by the unanimous vote of the entire Republic, sentence him to wander from place to place, and from land to land; and, like Cain the fratricide, to carry the mark of his crime branded on his brow, that his own ignominy may be the expiation of his transgressions.

Yes! I again say, Rosas was more cruel than Nero. Let us analyze the facts in the case. Why is Nero represented in history as the greatest tyrant among sovereigns? Hear Tacitus: "He was," says the historian, "the assassin of his mother, of his brother, of his tutor, and of an immense number of Christians. He set Rome on fire." What horrors! and the tyrant of the Argentines, did he perpetrate such enormities? Some of them he did — others he did not. But the credit of omitting to perpetrate those which he did not commit is to be attributed to a dissimilarity of circumstances, not to a difference in moral principles. Rosas did not sacrifice his mother, but it was because she did not threaten to deprive him of his power. He did not sacrifice his brothers, because none of them attempted to snatch from him the reins of government: or if they did, they fled beyond his reach. He did not sacrifice his tutor, because he never had one; but he had an instructor in political economy and a patron in his early public career, and him he did assassinate. Oh! sad remembrance! Sirs, you all know the horrible death of Maza, President of the House of Representatives, — that noble patriot and good man, who was murdered in the very temple of the laws: not in its vestibule, but in the sanctum sanctorum!

And did Rosas sacrifice a large number of Christians? Alas! Would I were not under the necessity of answering this question. Well then — I will not do it; but answer for me, ye numerous auditors who listen to me. Speak, ye many widows, whose hearts, as ye listen to my words, are broken with sorrow — let the tears speak with which you have been fed till the present day. Speak, ye fathers, who still pour out your grief in sighs upon your children's tombs. Speak, ye numerous orphans, who, while embracing with kisses the fathers of your love, have suddenly beheld them expire beneath the point of the dagger! Do thou, O city of Buenos Ayres — do thou speak: and speak every province, speak every town, speak every family of the Republic! Oh, thou year of 1840! O fatal epoch! What days of darkness, what days of mourning, what days of tears! your memory will forever em-

bitter our existence. Ah! yes — in every street, in every house, in every room, we then stumbled over some victim — innocent victim, for, to be innocent was, in the eyes of that wicked one, the greatest of crimes. Humanity is horrified by the frightful truth! The story seems like a fable, but we ourselves are witnesses to the facts. Had the blood which was then shed, been mingled with the waters of the mighty river rolling beside us, they would have reddened to crimson. Death itself seemed exhausted in the execution of such cruelty; and the dead themselves, could they speak, would exclaim, "How horrible!"

And were they Christians only that he immolated? Nero did not slay his priests; at least, history does not say that he attempted it. And Rosas, did he? Ah! that tyrant not only attempted it, but placed the seal upon the record of his impieties in the blood of the anointed of the Lord. That blood still cries to Heaven for vengeance, and like the infernal furies, will follow and torment the guilty criminal.

And Rosas? did he burn the city? Would he had destroyed it rather than have prolonged our martyrdom. But in this there would have been too much humanity for him. His object was to protract our agony the better to enjoy the misery.

Finally, what were the articles of Nero's religious faith? You all know that he was a Pagan — how then could it be strange that he should persecute his adversaries? And Rosas, was he likewise a Pagan? Would that he had been! — that he had been so openly! His wickedness was not so great that he did not call himself a Catholic. Ah! unhappy man, thou art accountable for the abuses introduced to the church; for thou, like another Henry VIII of England, did constitute thyself the priest, and the bishop, and the Pope of the Republic. If there has been demoralization in society, thou art accountable to the Great Judge for it; for thou hast interfered with the most sacred rights of religion, education, and laws; and for twenty years hast set back the civilization of the Republic, and made the relentless knife the only inducement to excel. But, it is enough! Thanks to the valiant, the all-powerful Urquiza! the country now reposes in tranquillity: we are free from the despotism of the odious tyrant.

And is it not right that we should be thankful to the Almighty for the benefits received at his hands? We have attained our liberty. Oh! incomparable good! Oh! gift of inestimable value! And to whom shall we give thanks, if not to Thee, O Father of mercies? — to whom

if not to Thee, O Giver of all joy. To Thee, therefore, O Fountain of all felicity we give thanks! But likewise to thy name, O great Urquiza! to thee, whose name will be immortal: to thee our gratitude will be eternal, and the echo of our acknowledgments will be heard, even to the ends of the earth. The heart of every Argentine will be a temple from which thou wilt receive the sweet incense of our affection; and tradition will forever transmit to our descendants the name of him who has restored us to our liberties. Most excellent sir, we salute thee as the morning star of the happy day of freedom that has dawned upon our country. We acclaim thee as our Washington! The Washington of the Argentine Republic! What a glory for you, sir! Argentines! I call your attention to your deliverer: fix your gaze on that bold champion. Let your modesty, sir, suffer me in the transports of my gratitude to express the sentiments of my heart. Yes, Argentines, fix again, I say, your gaze on that brave warrior. See you those scintillating eyes beaming with humanity? They have suffered prolonged vigils for your liberty. Behold that capacious brow — even yet bronzed by the suns of the camp! It has been absorbed in the profoundest meditations for your liberty! Do you perceive those features full of expressions of goodness? they have suffered the rigors of heat and the inclemencies of the seasons for your liberty. Witness ye that elevated and finely modelled breast, the temple of a magnanimous heart? It has been exposed to the bullet and the lance of the tyrant for your liberty. Do you observe the nervous arm and powerful hand, so well known in battle? they have wielded the sword valiantly for your liberty, yes, for our liberty, he voluntarily renounced his sleep, to give his mind, day and night, to deep thought; for our liberty, he sacrificed his own comfort and well-being; for our liberty he hazarded his life! For our liberty he has suffered hunger, thirst, and conflicts; and to achieve it, impetuous rivers have appeared to him but smooth rivulets, enormous deserts like populous plains, the longest marches but short excursions, and the greatest obstacles the merest trifles. What courage! what heroism! what patriotism!

What fortune is ours, Argentines, to have a man of so much excellence, him whom Providence has sent to liberate us, and give to us the guarantee of a constitutional government. Eternal Father, God of all goodness, what thanksgiving shall we render to Thee for this evidence of Thy mercy?

THE REPUBLIC OF CHILE

80. Proclamation by Bernardo O'Higgins

[August 13, 1820. Thomas Sutcliffe, *Sixteen Years in Chile and Peru, from 1822 to 1839* (1842), 42. By the retired governor of Juan Fernandez. Published by Fisher, Son, and Company, London and Paris.]

Don Bernardo O'Higgins played a distinguished role in Chile. He was the son of Don Ambrosio O'Higgins, the celebrated Irishman who served Spain in various capacities, notably as governor-general of Chile and viceroy of Peru; his mother was an Indian woman. He was born in Chillán, Chile, in 1776. He visited Europe from 1794 to 1802, spending the greater part of the time in England, where he met Francisco de Miranda and became interested in that leader's schemes for the emancipation of South America. He returned to Chile and took part in the Revolution of 1810. He met defeat at the battle of Rancagua in 1814 and fled into Argentina; joining José de San Martín at Mendoza, he served as an officer in the Army of the Andes under command of that general. He played a brilliant part as a commander of a division in the battle of Chacabuco on February 12, 1817. He became dictator of Chile shortly after, serving in that capacity until 1823. It was while holding this position that he issued this brief proclamation. He retired to Lima after his rule in Chile and died there in 1842.

In the tenth year of the South American revolution, and the three hundredth of the conquest of Peru, a people whose rank in the social scale has hitherto rated below its destiny, has undertaken to break the chains which Pizarro began to forge, with his blood-stained hands in 1520. The government established in Chile since the restoration, having conceived this great design, deems it right that it should be carried into execution by the same person who, having twice promised to save

his country, has twice succeeded. An expedition, equipped at the expense of great sacrifices, is at length ready to proceed, and the Army of Chile, united to that of the Andes, is now called upon to redeem the land, in which slavery has longest existed, and from whence the latest efforts have been made to oppress the whole continent. Happy be this day in which the record of the movements, and the action of the expedition is commenced! The object of this enterprise is to decide whether or not the time has arrived, when the influence of South America upon the rest of the world shall be commensurate with its extent, its riches, and its situation.

O'HIGGINS

81. IMPRESSION OF LIFE IN VALPARAISO

[October, 1831. William S. W. Ruschenberger, *Three Years in the Pacific; including Notices of Brazil, Chile, Bolivia, and Peru; by an Officer of the United States Navy* (1834), 88–91. Published by Carey, Lea & Blanchard, Philadelphia.]

The variegated life in the famous Chilean seaport town of Valparaiso in the thirties of the last century was described by a naval officer of the United States as follows:

. . . . . .

Next to the busy appearance of the street and the landing, the individuals of the picture attract attention. The "aguadóres" and their donkeys, that supply every family with water from springs in the different quebrádas, stand forth conspicuous in the eyes of the newly arrived North American. The donkey carries two small barrels or kegs, suspended one on either side, in a wooden frame adapted to the purpose; and the "aguadór" sits *en croupe*, swinging his bare legs, first one and then the other, as if spurring. He wears a coarse cone-shaped hat drawn well over his face, a shirt with sleeves rolled up above the elbow, a leather apron, something like that of a blacksmith, and loose trowsers reaching just below the knee. He carries a pole about six feet long, armed with an iron curve or hook before him, lying crosswise. A small tinkling bell, attached to the saddle, gives notice of his approach. These men, apparently the happiest and steadiest fellows in the world, manifest a sort of indifference or nonchalance for every thing around them; having learned a lesson of patience from the animal they drive, they are never in haste, nor can they be induced to move out of their accustomed pace. When the water-carrier stops,

and removes one of the barrels, to prevent the other from dragging the saddle round, he props it with the pole which he carries for that purpose. Water is worth a real (twelve and a half cents) the "cargo" or load.

The muleteers also wear cone-shaped straw hats, "ponchos," breeches that extend below the knee, "botas" or leggings, and hide sandals, with great spurs, the rowels of which are frequently three and even four inches in diameter. The "poncho" is an oblong piece of cloth, from six to ten feet long, and from three to five broad, fringed at the edges, with a slit in the centre, (bound with ribbon), through which the head is passed, leaving the ends to fall down in careless drapery before and behind, so as to conceal the upper part of the figure. When the poncho becomes too warm, or otherwise inconvenient, it is knotted round the waist, discovering that the body and shoulders are clothed in a coarse, dark colored, woollen shirt or frock, with short sleeves. The poncho is of every variety of color; sometimes plain, and sometimes ornamented with stripes of flowers and fancy patterns in lively colors. This garment is universally worn by all classes when riding on horseback; its cost varies, according to the material of which it is made, from four to a hundred dollars. The legs are defended by a pair of woollen leggings, of a dark color, striped or plain, extending from the foot half way up the thigh, and secured below the knee by a tasselled garter, giving to the whole figure a striking and unique appearance. The "botas," like the poncho, are worn by all classes when on horseback.

Such is the general costume of the "arriéros" and "peones" — muleteers and laborers — varying only in the fineness of the texture, according to the wearer's purse. The spurs of the poorest class are of iron; but the ambition of every man in Chile is to obtain, next to a fine horse, a pair of huge silver spurs. The mules are covered on either side with thick pads of unsheared sheep skins, upon which the load is lashed by thongs or ropes of hide. That he may stand quiet, when laden or unladen, the muleteer blindfolds the animal by throwing the poncho over his eyes. It is curious to see laden mules coming in from the country. They are strung together, one behind the other, by a hide rope or halter, leading from the tail of the one to the neck of the other, in succession, with a space of about ten feet between them.

The costume of gentlemen, when attending to business, generally consists of a short jacket of white or blue cloth, according to the season, and a felt, or straw hat, of Manila or Guayaquil manufacture, not differ-

ing, in other respects, from that of the United States. The young men of fortune follow the fashions given to them by French or English tailors.

The dress of the ladies, when walking, is the same as that termed in the United States an evening dress. They wear neither hats nor bonnets, but instead, ornament the hair, which they know how to arrange in excellent taste, with two or three natural flowers. The parasol affords protection to their complexion, when it requires any, for they seldom walk till the sun has in a degree lost his power. When they go to church — which they do every morning at sunrise — they dress in black, with a veil or mantilla over the head.

Reader, be kind enough to picture to yourself a busy crowd, composed of the various figures I have attempted to sketch; moving through a narrow street in different directions. The "aguadór" threading along among troops of mules and carts; merchants discussing the quality and price of goods; their clerks hurrying to and from the custom-house; the "guaso" or countryman, with hat, poncho, botas, and spurs, seated in his comfortable saddle, with toes thrust into the sides of huge blocks of wood, that answer the place of stirrups, guiding his docile animal; ladies in their walking dress, with parasol, and followed by little Indian servants, from Arauco; the "dulcéro," or vender of sweetmeats, crying "dulces"; "mercachifles," or pedlars, with loads of ribbons and trifles, praising in stentorian voices the cheapness of their goods; sailors, riding horses that might be taken for the descendants of the famed "Rocinante,"[1] pushing and spurring on in spite of all obstacles. Fancy all these, and you may have an idea of Valparaiso, near the landing, on a week day morning.

At four o'clock in the afternoon, the streets are almost deserted. At that hour business ceases; the natives take the "siésta," or afternoon nap, and foreigners go home to dine. At sunset the world wakes up, and the street becomes again animated. The chandler makes his appearance, bearing a load of dirty tallow candles, strung on a pole over his shoulder, crying "velas de sebo" — tallow candles; and the tinker makes himself heard, shouting, "el hojalatéro — vasinicas de hojalata mui barátas" — the tinker, chamber utensils of tin — very cheap. No hour could be more appropriate for vending these articles,

[1] This word is in perfect keeping with the whole of that inimitable work of Cervantes, Don Quixote; it is derived from *rocin*, which signifies a hack horse, and *ante*, before or formerly.

than the close of the day! Ladies and gentlemen sally forth at this hour, for the "paséo," or promenade; at this hour, too, is "oración," — the church bell tolls, and every body stands silent and uncovered, while he repeats the evening prayer. In a few seconds the bell again strikes, and every one signs himself with the cross, then wishes his neighbour a good night. On these occasions, it is the etiquette for the eldest in company to be the first to say good night; and it is sometimes amusing to see them dispute who shall begin; the younger ones present leaving it to their seniors to make this sort of acknowledgment of age — "Diga V^md^," at last says one — "No Señor, diga V^md^," replies another; — "Say you" — "No Sir, say you!"

During the evening the shops are lighted, and the streets are enlivened by parties of ladies "shopping." On Thursday nights, a military band serenades the governor at nine o'clock, and crowds of people assemble to enjoy it with him. On Saturday nights the streets are particularly gay. The plaza is sprinkled over with flat baskets of shoes, ranged with great care, and lighted by a tallow candle, stuck upon their sides; it is a custom of great antiquity for ladies to repair there to purchase shoes, for it is said, the Chilénas require a new pair every week. The size is ascertained by measuring them with the spread fingers; and perhaps experience, gained by the frequency of fitting themselves, is of considerable advantage.

. . . . . .

82. Résumé of the Conversation between Mr. Hervey and President Balmaceda

[March, 1891. Maurice H. Hervey, *Dark Days in Chile. An Account of the Revolution of 1891* (1892), 89–93. London: Edward Arnold. New York: Macmillan and Company.]

Maurice H. Hervey, special correspondent of the *Times* of London, had been sent to Chile to study the revolution then in progress in that country. He had an interview with President Balmaceda which is explained in the following manner: "Accompanied by Señor Guillermo, I presented myself at the Moneda at the appointed hour,[1] and without delay was ushered into the presence of Señor Balmaceda. First impressions count for some-

[1] At five o'clock in the afternoon.

thing; and I think that no one could have met the Chilean President for the first time without being favorably impressed. Six feet in height, of spare but wiry build, some fifty years of age; in general appearance, in fact, not unlike his brother-president of Argentina.[1] A head that probably a phrenologist would have found fault with; the broad forehead a little too sloping, the chin a trifle weak, the mouth *un tant soit peu* sensual. But the good-humored gleam in the keen, penetrating eyes, and the smile, half-playful, half-cynical, that hovered about the mobile lips, gave not the faintest indication of the Nero-like qualities attributed to him by his opponents. There is character, too, in a handshake, and the President's grip was one to remember for several minutes."[2] President Balmaceda was defeated, sought refuge in the house of his friend Señor Uriburu, the Argentine ambassador, and committed suicide in his home on September 19, 1891. The following is a résumé of the conversation which Mr. Hervey had with President Balmaceda in the interview described above.

In my notes I find the following *résumé* of our conversation. Quoth his Excellency:

"You arrive at a disastrous epoch in Chilian history, Señor Corresponsal, and I fear you will carry away with you but a poor opinion of our common-sense, or of our patriotism."

This was evidently a "feeler," so I replied by another. "Subject to your Excellency's correction, the question appears to me to be rather a definite issue upon points of constitutional rights. No country has ever yet worked out its political salvation without such differences of opinion as at present, unhappily, exist between yourself and congress; nor can Chile hope to be an exception to the universal law."

The President looked at me keenly for a few moments. I fancied I could read his thoughts: This correspondent is English; he admires no system of government save his own; he believes that I am standing in the way between Chile and the adoption of a similar system. Then he said, speaking very slowly and distinctly, and in a fine Castilian accent, good to listen to:

[1] General Julio A. Roca.

[2] *Dark Days in Chile*, 88–89.

"What you say, señor, is historically correct, and more especially of England. Your records indicate a continuous struggle between a dominant aristocracy and a liberty-seeking people. And, in course of time, you have contrived to reconcile the pretensions of both. But your ways are not the ways of the rest of the world; and most certainly they are not our ways. Your hereditary throne, your hereditary House of Lords, and your popular elective House of Commons appear to harmonize with the character of the English nation. But they do not meet the views of younger nationalities, which invariably adopt a republican form of government. Now, here comes the great difference. With you, but one out of the three powers which form your constitutional system is elective. In a republic all three are elective. Your two hereditary powers are, more or less, automata; that is, neither Crown nor Lords dare oppose a strong expression of the national will. We have no such automata; least of all is a Chilian president such an automaton, being invested by the Chilian constitution with powers greater even than those of Congress. That his powers are excessive is quite possible, is open at least to argument; but that they exist is certain, and open to no argument at all. You follow me?" and Señor Balmaceda pointed significantly to the original Chilian constitution, which, framed in gold, adorned a side of the room.

"Perfectly," I replied; "your Excellency's Spanish is singularly pure. But it is asserted, upon the other side, that custom and precedent had modified this constitution to an extent which you refused to recognise, and that hence the quarrel."

"*No es cierto, señor* — such is not the case!" exclaimed the President, somewhat warmly. "I did nothing that has not been done, over and over again, by my predecessors. This theory of Parliamentary Government is a new idea, a mere pretext of discontented factions to work out their own ends. I am the first representative of the Liberal Party who has ever held office. Ever since 1833 the aristocracy has had a monopoly of the Presidency, and up to my election the presidential powers were never called into question. Moreover, when I was sworn in, I took an oath to uphold and maintain the constitution *as it stands*, without reference to alleged precedents or philosophical theories. Congress, by the express terms of that constitution, has no more right to dictate to me what ministers I shall choose than it has to ordain what food I shall eat or what clothes I shall wear. If I have in any way

exceeded my powers, let Congress impeach me when my term of office shall have expired, which will be but six months hence, as by law provided. I did not frame the constitution, nor am I responsible for its provisions. But I *am* responsible before God and man to observe my oath; and this, *por Dios, señor,* I shall do whilst breath remains in my body."

"It would seem," I ventured to observe, "that a revision and remodelling of this apparently somewhat *arrièrée* constitution would be the simplest solution of the difficulty."

"Unquestionably," assented Señor Balmaceda, "and this has ever been a prominent feature of the Liberal programme. But the way to effect constitutional reforms is neither to render government impossible, nor to seduce the fleet, nor to play into the hands of foreign capitalists, nor to incite a civil war."

This was a begging of the whole question, into which, without further study, I was scarcely prepared to enter. So I shifted the subject.

"Does your Excellency think that the struggle will last long?"

"It would have been over ere now," was the reply, "had poor Robles displayed more prudence and less impetuosity. He should have awaited the Camus division before he attacked. As it is, my hands are tied for want of ships to transport troops to the north. Our only transport, the *Imperial,* is insufficient, though had we but three or four such vessels, the rebellion would be crushed in a fortnight. We may have to await the arrival of the cruisers *Pinto* and *Errazuriz* from France, unless the new torpedo-catchers succeed in crippling or scaring the insurgent fleet."

A few other subjects were broached. Amongst other things, I was assured that payment on the July coupons was already provided for. When I took my leave, it was with a distinctly favourable opinion of José Manuel Balmaceda, an opinion fully shared by my secretary. But then, as I reflected, it was his obvious policy so to impress me. And, in any case, I must not allow impressions to influence my verdict.

For several days my secretary and I pursued our investigations, still independently of each other. I shall not here reproduce the very voluminous notes which I made as I waded through a vast pile of polemical literature and files of revolutionary journals. But I cannot well avoid setting down what appeared to me to be a fairly clear *résumé* of the political situation.

83. The Last Letter of Ex-President Balmaceda

[September 19, 1891. *Papers Relating to the Foreign Relations of the United States, 1891*, 165–166. Published by the United States Government.]

President José M. Balmaceda had taken refuge in the Argentine legation in Santiago on August 28, 1891, after his resignation as the chief executive of Chile. He remained the guest of the Argentine minister, Uriburu, until the morning of September 19, 1891, when he committed suicide. Just before his death he wrote the following letter.

Santiago, *September 19, 1891.*

Sr. Don José de Uriburu,

My Beloved Friend: In reference to the matter which we recently discussed, I have decided to put an end to the tragical situation in which I find myself placed.

I do not feel qualified in further prolonging my stay in the generous asylum you have afforded me, which act on your part I recommend to my friends as the greatest service I have received during the whole of my life.

The bitter enmity of my adversaries, should they discover my place of retreat, is capable of being carried to such extremes that, to avoid it, I have determined to impose upon myself the greatest sacrifice of which a man of honor is capable.

I must beg you to understand that I have thrown aside all idea of attempting a vulgar escape, for the dual reason that, in my estimation, such conduct would be undignified in a man who has ruled the destinies of Chile and that it would imply some justification of the victorious revolution.

For these reasons, I should have spontaneously decided to place myself at the disposition of the Governmental Junta, intrusting myself to the protection of the constitution and the law.

But the chiefs and officers of the army, the senators and deputies, the municipal and judicial authorities, and all the public officials are accused and prosecuted, imprisoned, or fugitives, and unhappy I alone am left to submit our cause to a court composed of special judges, who are partisans of the revolution, to answer with our persons and belongings for all the actions of the Government. I have lost all hope that a Government that is arbitrary in form will work with justice.

Considering the spirit and tendency of the revolutionary government, I feel unable to prolong my stay in the refuge for which I am indebted to you, the which debt I can never repay. God grant that my sacrifice may relieve my friends from the persecutions which have caused me such deep pain and sorrow.

The mantle of pity has been thrown over the man whose fate it has been to fall into misfortunes. May blessings attend you and your saintly wife, and I hope that my children will ever add their blessings to mine.

Entreat Arrieta and those of my family circle to see the works of mercy are carried out without ceremony or useless display.

I pray that you, your wife, and my sons may ever enjoy every happiness.

Yours,

J. M. Balmaceda

P. S. — I count in any case on your discharging the trust committed to your care last night, which concerns the persons of whom you are aware. Farewell.

MEXICO

84. Plan of Government for Mexico, proposed by Don Augustín de Itúrbide to His Excellency the Count de Venadito, Viceroy of New Spain

[Town of Iguala, February 24, 1821. *American State Papers*, IV, 829–830. Published by the United States Government.]

Augustín de Itúrbide was appointed by Viceroy Apodaca of New Spain to command some troops in the defense of Mexico City. Attacks were feared from the insurgent army under General Vicente Guerrero. The newly appointed commander left the capital on November 20, 1820, at the head of twenty-five hundred men. What his immediate plans or schemes were is not known. That he did not intend to engage in any serious fighting with General Guerrero is practically certain. Iturbide was anxious to have Guerrero agree to a plan for the emancipation of the viceroyalty from Spain. After some little time spent in preliminary negotiations a series of conferences were held between the two leaders. The net result of these *pourparlers* was the following Plan of Iguala.

Article 1. The religion of New Spain is, and shall be, the Roman Catholic Apostolical, without tolerating any other.

2. New Spain is independent of Old Spain, and of every other power, even on our own continent.

3. Its Government shall be a moderate monarchy, according to a constitution to be peculiarly adapted for the empire.

4. Ferdinand the VII. shall be Emperor; but if he do not come in person to Mexico, to make oath before the Cortes, within the time prescribed by them, the most serene infants, Don Carlos, Don Francisco de Paula, the Arch-duke Charles, or some other branch of the reigning family, shall be appointed in his place by the Congress.

5. Until the meeting of the Cortes, there shall be a Junta which shall have their union for its object, and the compliance with this plan in its whole extent.

6. The said Junta, which shall be styled Governmental, must be composed of the deputies mentioned in the official letter of his excellency the viceroy.

7. Until Ferdinand the VII's arrival in Mexico, and his taking the oath, the Junta will govern in the name of His Majesty, in virtue of the oath of fidelity taken by the nation; but until His Majesty hath sworn, any orders he may give shall be suspended.

8. If Ferdinand the VII. should not deign to come to Mexico, the Junta or Regency shall govern in the name of the nation, until it be resolved who shall be crowned Emperor.

9. This Government shall be sustained by the army of the three guarantees, of which mention shall be made hereafter.

10. The Cortes shall resolve whether the Junta shall continue, or a Regency be substituted in its place, until the arrival of the person who is to be crowned.

11. The Cortes shall immediately afterwards establish the constitution of the Mexican empire.

12. All the inhabitants of New Spain, without distinction of Africans, Europeans, or Indians, are citizens of this monarchy, with eligibility to all employments according to their virtues or merits.

13. The person of every citizen and his property shall be respected and protected by the Government.

14. The clergy, secular and regular, shall preserve all its privileges and pre-eminences.

15. The Junta shall take care that every branch of the State remain without any alteration, and all the officers, political and ecclesiastical, civil and military, on the same footing as at present. They alone shall be removed who decline entering into this plan, substituting in their place those persons who are most distinguished for their virtue and merit.

16. A protecting army shall be formed, under the title of the three guarantees, because it takes under its protection, 1st. The preservation of the Catholic Religion, co-operating, with all its efforts, that there may not be a mixture of any other sect; and attacking all the enemies who may injure it; 2d. The independence, under the system

already manifested; 3d. The intimate union of Americans and Europeans, guarantying such fundamental bases of the felicity of New Spain. Each individual, from first to last, will prefer sacrificing his life rather than permit the infraction of any of them.

17. The troops of the army shall observe the most strict discipline, according to their regulations, and the chiefs and officers shall remain on the same standing as at present, that is, in their respective classes, with eligibility to such public employments as are vacant, or may vacate in consequence of those who may not wish to follow their career, or any other cause, and those which may be considered as necessary or convenient.

18. The troops of the said army shall be considered as of the line.

19. In the same light shall be considered those who may afterwards adopt this plan. Those who do not defer it, those of the former system of independence who shall immediately join said army, and the countrymen who may desire to enlist, shall be considered as troops of the national militia; and the form of each for the interior and exterior security of the empire shall be dictated by the Cortes.

20. The employments shall be conceded to true merit, in virtue of references to the chiefs, and in the name of the nation.

21. While the Cortes are assembling, the proceedings against criminals shall be according to the Spanish constitution.

22. For conspiring against the independence, criminals shall be imprisoned until the Cortes decide the greatest punishment next to "lesa Majestad Divina."

23. A strict watch shall be kept over those who may attempt to create disunion, and they shall be reputed conspirators against the independence.

24. As the Cortes which are about to be installed are to be constituent, it is necessary that the deputies should receive sufficient powers to that effect, and, consequently, the electors ought to be informed that their representatives are to be for the Congress of Mexico, and not of Madrid. The Junta will prescribe just rules for the elections, and will fix the necessary time for them and the opening of the Congress.

Since the elections cannot take place in March, the term shall be shortened as much as possible.

ITURBIDE

IGUALA, *February 24.*

85. Decree of Congress announcing the Election of Don Augustín de Itúrbide as Constitutional Emperor of Mexico

[May 19, 1822. *British and Foreign State Papers*, IX, 799. Published by the British Foreign Office.]

Don Augustín de Itúrbide entered the City of Mexico with the Army of the Three Guaranties on September 27, 1821. He selected a governmental junta, which body declared the independence of Mexico on the twenty-eighth of that same month. This junta appointed a regency to act as an executive body until an emperor could be selected. Itúrbide was made president of this body. The news that the treaty of Córdoba, signed by Viceroy O'Donojú [1] and Itúrbide on August 24, 1821, had been rejected by Spain caused the friends of Itúrbide to secure his election as emperor of Mexico on May 19, 1822. It was this action of the congress which the regency announced in the document given below.

In the Palace of Mexico, on the 19th of May, 1822, the 2d Year of Independence, the Sovereign Constituent Mexican Congress, assembled in Extraordinary Session in consequence of the events of last night, and the Official Report thereon of the Generalissimo Admiral, which transmitted the various Documents inserted in the Proceedings of this day; having heard the acclamations of the People, which are in conformity with the general wish of the Congress and of the Nation; taking into consideration that the Cortes of Spain, by a decree inserted in the Madrid Gazette of the 13th and 14th February last, have declared the Treaty of Cordova to be null and void, and that, therefore, the Mexican Nation is no longer bound to its fulfilment, but enjoys the liberty, which the IIId Article of said Treaty grants to the Sovereign Constituent Congress, to name an Emperor, in the event of the renunciation, or refusal, of the Persons therein

[1] Juan O'Donojú, it was believed, had come to help toward bringing about the independence of New Spain. After the entry of Itúrbide into Mexico City a regency was formed with the Liberator as president and Viceroy O'Donojú as one of the members. On October 8, 1821, O'Donojú died. He was the last of the long line of viceroys of New Spain.

called to the Throne; has been pleased to elect for Constitutional Emperor of the Mexican Empire, Don Augustín de Iturbide, first of that name, upon the bases proclaimed in the Plan of Iguala, and accepted universally by the Nation, which are described in the form of Oath he is to take before the Congress on the 21st instant.

86. Proclamation of Don Augustín de Itúrbide to the People of Mexico on his Election as Emperor of Mexico

[May, 1822. *British and Foreign State Papers*, IX, 800–802.]

Don Augustín de Itúrbide, the mestizo[1] of Valladolid, was elected emperor of Mexico by the congress of the newly created empire on May 19, 1822. He was crowned with much pomp and ceremony in the Cathedral of Mexico City on July 25. In the following proclamation he explained the reasons which had led him to accept the crown and urged the people to support the new government.

Inhabitants of the Mexican Empire,

The wish, in addressing you, to preserve the tone and confidence simply of a Fellow-Citizen, is still entertained by him whom you have been pleased to raise from that class to the Imperial dignity. What have you found in your Compatriot to render him worthy of an honour so exalted and brilliant? Did you, perchance, see in him the Man who emancipated the Nation from the tyranny of 3 Centuries! Is the Crown an offering of gratitude natural to so magnanimous and generous a People? Yes, certainly, gratitude, that sentiment which Heaven has implanted in all hearts of this delightful region, never shewed itself in greater force than at the time when our Country recognized itself as free and independent. From that moment I was struck with admiration of the thankful feelings of the Inhabitants — then were the Diadem and obedience tendered to me with free and sincere acclamation; and I would then have accepted them at once, making to my Country this last sacrifice, assuredly the most painful, considering my

[1] Augustín de Itúrbide was not a creole. Dr. Priestley definitely states that he was "a mestizo of Valladolid who was generally accepted as a creole." Consult page 246 of Priestley's *Mexican Nation, A History*.

natural disposition and the object of my wishes, — since I began to institute comparisons between the disquietudes of the World and the sweets of solitude — had not my very duties and services, pledged to the Country, furnished me with a two-fold motive for refusing its liberal offers.

Fixed in the principle that every thing should be sacrificed for the Country; resolute and consistent in the Plan conceived for the recovery of our National Independence, and faithful to the Treaty concluded at Cordova, with a Minister of the Spanish Government, it will not be said that Iturbide availed himself of the regard of the People, but only to moderate the demonstrations of their love and gratitude. Scarcely had publick opinion begun to manifest itself, by means of the Press, designating him as the Person to wield the Sceptre of the Empire, when he endeavoured, without delay, to give it a different direction. He declared and proclaimed his own, in publick and private, as a Citizen and a Magistrate; as one interested in the glory of the Nation, and punctilious and delicate in respect to what regarded his personal interest. The laurels of that Victory which broke the power of the Oppressors of his Country quietly encompassed his brows, and assigned proper limits to that laudable ambition which was grounded in all the virtues. Why then constrain him to ascend the Throne, from whose elevation he can no longer view, with complacency, the services rendered to his Country, without feeling himself pressed down by the excess of his recompense? But the Nation has willed it; and Iturbide yields to its supreme will, now that he ascertains that it is not an inconsiderate movement of blind gratitude, but that irresistible impulse which always directs the general wish towards the publick prosperity.

The Nation, indeed, desired it eagerly; but was diverted from it by the dangerous collision of opinions. The form of the Government had no consistency; it appeared destined either to be used in aid of the despotism of those who struggled against its Independence, or to be annihilated by its most enthusiastic Protectors. Our Country was at one time likely to drench with its blood the steps of a Throne, in order that a Foreign Prince might ascend it, and at another to be torn in pieces by the factions of its own Sons. Meanwhile a general apathy began to prevail, which stopped the supplies of the National Treasury, enervated the Army, paralyzed the Government, impaired the vigour

of the Empire, and prepared us to be the easy prey either of Foreign Invasion, of secret machination, or of intestine discord. Every thing, in short, betrayed symptoms of that anarchy into which the Mexican Nation was about to plunge, at the time when the Imperial Army proclaimed its Independence at Iguala.

And was not the Nation freely to exert its will at such a crisis? Was not the hand which had been enabled to rescue it from its former perilous situation, under an obligation, in consistency, ever afterwards to protect and save it? Yes, adored Country, that same hand, with the sole object of your preservation, will sway the Sceptre which you have confided to it! In the same spirit and to the same extent, that he sought honestly to decline it as a reward for past services, will he labour to sustain it, and the weight which is added to it by the very onerous circumstances under which it is received. That which could not be accepted, without reproach to your mere gratitude, cannot blamelessly, be denied to your service, to your benefit, and to your authority.

You have before you, my Fellow-Citizens, the real impressions of your grateful Compatriot. Heaven, which has deigned, so visibly, always to countenance his sincere intentions, is now witness to them. He invokes Heaven, in proof of the purity of those which have determined him to accept the Crown. You are also aware of our deplorable situation, and of the necessity of escaping from it, by whatever course is open to us. Full of virtue and moderation, you have chosen to pursue the dictates of gratitude, and to exercise the right inherent in every free Nation, to establish the form of its Government, and to nominate its Rulers.

The national will is respected; and he in whose favour it is pronounced, cannot take umbrage at the dissent which was manifested by some Persons, before the formal Act was promulgated which elevated him to the rank of First Citizen and Chief of the Nation: much less can they be objects of his disapprobation and resentment, who, for their beloved Country, can discover in him who is charged with the common welfare, only the tenderness of a Fellow-Citizen and Friend. Accustomed to obedience from his earliest years, he has received lessons of command unknown to those who acquire power by hereditary title: a stranger to prejudice, vanity, and adulation, he can feel and acknowledge the supremacy of the Law, and be penetrated

with the undoubted truth, that in the love of the People is the felicity of the Prince, and in the kindness of the Prince the happiness of the People.

Let this, therefore, be the glorious foundation of your choice! And as you, my Fellow-Citizens, appreciate the motives which have prompted my acceptance of your favour, at so great a sacrifice of inclination, let me invite you to co-operate with me, so that the Imperial Authority may be constantly directed to the Publick Weal; to the repulse of all dangers which may threaten it, and to the aggrandisement of the Empire. Above all, be persuaded of the very tender affection and cordiality with which the wishes of the Nation are gratified by

AUGUSTÍN

87. ITÚRBIDE'S MESSAGE TO CONGRESS

[March 19, 1823. *Niles's Weekly Register*, XXIV, 170. Published by H. Niles, Philadelphia.]

The group of men who claimed that the election of Itúrbide was unconstitutional gained strength rapidly. A plot was hatched to overthrow the monarchy and to establish a republic. The emperor, suspecting certain members of the congress of complicity in the plot, had fifteen of them thrown into jail. They were kept imprisoned even after he was unable to prove them guilty. Further trouble between the emperor and the congress, more especially as to the powers of the ruler in the new constitution, led Augustín I to dissolve the congress on October 31, 1822. This action gave Antonio López de Santa Anna and the opponents of the empire their opportunity. On February 1, 1823, the Plan of Casa Mata was promulgated. Hubert H. Bancroft gave the following synopsis of this Plan: "Art. 1. As the sovereignty resides in the nation, congress shall be installed as soon as possible. Art. 2. The plan for its convocation shall be based on the principles which governed the election of the first congress. Art. 3. The provinces can reëlect such deputies as had shown themselves worthy of public esteem by their liberal ideas, and substitute others in the place of those who had not corresponded to the confidence extended to them. Art. 4. The congress shall reside in whatever city or town it

may deem most convenient. Art. 5. The army will sustain the national representation and all its fundamental decisions. Art. 6. Military officers and troops not ready to sacrifice themselves for their country's good can depart whithersoever they may wish. Art. 7. A commission shall place a copy of this act in the hands of the emperor. Art. 8. Another commission, provided with a similar copy, shall propose the plan to the governor and municipality of Vera Cruz for their acceptance or rejection. Art. 9. The same proposal shall be made to the forces at Puente del Rey, Jalapa, Córdoba, and Orizaba. Art. 10. Pending the answer of the government, the provincial deputation of Vera Cruz, with its own consent, shall exercise the administrative functions. Art. 11. The army shall make no attempt against the person of the emperor, but shall not disband until by disposition of the sovereign congress, whose deliberations it shall support." [1]

The old congress reassembled. Itúrbide abdicated the throne on February 19, 1823. On March 19 he made an address to this body, concluding with the following statements:

1. Congress having recognized and approved the proceedings and acts of *Casa Mata*, the causes of my retaining forces in the vicinity of the capital have ceased to exist; and, as my only view was to sustain and protect that body, the division existing heretofore on my account, is therefore at an end.

2. I accepted the crown with great reluctance, and only acquiesced through a desire to serve my country. But, from the moment I perceived that, to retain it, would serve as an excuse or pretext for an intestine war, I determined to abdicate it. I did not conclude on this course before, because there was not a body to represent the nation generally recognized; and I considered that any step taken by me, unless there was, would have been useless and injurious to the country — there now exists one, and I accordingly absolutely abdicate.

3. My presence in this country would always be a pretext for disturbances; and projects, of what I have never thought, might be attributed to me. In order, therefore, to avoid the most remote suspicion, I will leave the country, and direct my steps to a foreign one.

[1] *History of Mexico*, IV, 795.

4. Ten or fifteen days will be sufficient to regulate my domestic affairs, and take the necessary measures to conduct my family and myself away.

5. I will request of congress to pay from the national funds, those debts which I have contracted with some particular friends, which are not of great consideration, although congress left it to my option to make use of such funds as I thought proper; but I could not appropriate funds to my private use when necessities of the army and other public functionaries reached my heart.

88. Recommendations of the Special Commission of the Mexican Congress on the Abdication of Don Augustín de Itúrbide

[Mexico, April 5, 1823. *Niles's Weekly Register*, XXIV, 208. Published by H. Niles, Philadelphia.]

The special commission appointed to "examine the subject of the abdication of the crown" by Itúrbide made the following report. The emperor, accompanied by his family and a few friends, left Mexico for Italy, sailing from Vera Cruz on May 11 and reaching Leghorn, Italy, on August 2. He did not remain long in Italy, however, but left for England, where he arrived on January 1, 1824. On April 28 of that year the congress of Mexico declared his life forfeited should he attempt to land in Mexico. He sailed from Southampton on May 11 in the brig *Spring*, ignorant of that decree. Arriving at Soto la Marina on July 14, he was immediately arrested, tried, and shot at Padilla on the nineteenth of that same month. In 1838 his remains were removed to Mexico City and interred with solemn obsequies in its great cathedral.

The sovereign congress of Mexico recommended that:

1. The congress declares that the coronation of Don Augustine de Iturbide to have been the effect of violence and force, and of no validity.

2. Consequently, it declares all the acts that grew out of that measure, illegal and subject to the confirmation of the present government.

3. It likewise declares that there is no room for discussion relative to the abdication that he has made of the crown.

4. The supreme executive power shall effect, in conjunction with Don Augustine de Iturbide, his speedy departure from the territory of the nation.

5. The government shall, for that purpose, make arrangements for his departure from one of the ports of the Gulf of Mexico; freighting, on account of the nation, a neutral vessel, to carry him and his family to the place that may best suit him.

6. An annual pension, of twenty five thousand dollars, is assigned to Don Augustine de Iturbide during his life, upon condition that he establish his residence in some place on the peninsula of Italy. His family shall have a right to the pension that the law designates in case of death.

7. The congress gives to Don Augustine de Iturbide, the style of excellency.

8. The congress declares solemnly, that, at no time, it had a right to oblige the Mexican nation to submit itself to any law or treaty not made by itself, or by its representatives appointed according to the public law of free nations — consequently, it considers as not subsisting the plan of Iguala and treaties of Cordova, the nation remaining in absolute liberty to establish itself in the form of government that may be most agreeable to it.

Mexico, April 5, 1823

BECERRA,	ZAVALA,
OSORES,	MUZQUIZ,
ESPINOSA,	CASTRO,
HORBEGOSO,	DR. HERRERA.

89. IMPRESSIONS OF LIFE IN MEXICO

[1839-1842. Madame Calderón de la Barca, *Life in Mexico during a Residence of Two Years in that Country* (1843), 26–29. Published by Chapman and Hall, London.]

Señora Calderón de la Barca was the wife of the Spanish ambassador to Mexico. She wrote a series of letters to the members of her family concerning life in the republic during the years from 1839 to 1842. At the request of William H. Prescott,

the celebrated historian, a selection from these letters was made and published in 1843. The two excerpts given below indicate the nature of Señora de la Barca's observations.

A. BREAKFAST WITH SANTA ANNA AT MANGA DE CLAVO

Yesterday morning at two o'clock we rose by candlelight, with the pleasant prospect of leaving Vera Cruz and of seeing Santa Anna. Two boxes, called carriages, drawn by mules, were at the door, to convey us to Manga de Clavo. Señor V——o, C——n, the commander of the Jason, and I being encased in them, we set off half-asleep. By the faint light, we could just distinguish as we passed the gates, and the carriages ploughed their way along, nothing but sand — sand — as far as the eye could reach; a few leagues of Arabian desert.

At length we began to see symptoms of vegetation; occasional palm-trees and flowers, and by the time we had reached a pretty Indian village, where we stopped to change mules, the light had broke in, and we seemed to have been transported, as if by enchantment, from a desert to a garden. It was altogether a picturesque and striking scene; the huts composed of bamboo, and thatched with palm-leaves, the Indian women with their long black hair standing at the doors with their half-naked children, the mules rolling themselves on the ground, according to their favourite fashion, snow-white goats browzing amongst the palm-trees, and the air so soft and balmy, the first fresh breath of morning; the dew-drops still glittering on the broad leaves of the banana and palm, and all around so silent, cool, and still.

The huts, though poor, were clean; no windows, but a certain subdued light makes its way through the leafy canes. We procured some tumblers of new milk, and having changed mules, pursued our journey, now no longer through hills of sand, but across the country, through a wilderness of trees and flowers, the glowing productions of *tierra caliente*. We arrived about five at Manga de Clavo, after passing through leagues of natural garden, the property of Santa Anna.

The house is pretty, slight-looking, and kept in nice order. We were received by an aide-de-camp in uniform, and by several officers, and conducted to a large, cool, agreeable apartment, with little furniture, into which shortly entered the Señora de Santa Anna, tall, thin,

and, at that early hour of the morning, dressed to receive us in clear white muslin, with white satin shoes, and with very splendid diamond earrings, brooch, and rings. She was very polite, and introduced her daughter Guadalupe, a miniature of her mamma, in features and costume.

In a little while entered General Santa Anna himself; a gentlemanly, good-looking, quietly-dressed, rather melancholy-looking person, with one leg, apparently somewhat of an invalid, and to us the most interesting person in the group. He has a sallow complexion, fine dark eyes, soft and penetrating, and an interesting expression of face. Knowing nothing of his past history, one would have said a philosopher, living in dignified retirement, one who had tried the world, and found that all was vanity, one who had suffered ingratitude, and who, if he were ever persuaded to emerge from his retreat, would only do so, Cincinnatus-like, to benefit his country. It is strange, how frequently this expression of philosophic resignation, of placid sadness, is to be remarked on the countenances of the deepest, most ambitious, and most designing men. C——n gave him a letter from the Queen, written under the supposition of his being still President, with which he seemed much pleased, but merely made the innocent observation, "How very well the Queen writes!"

It was only now and then, that the expression of his eye was startling, especially when he spoke of his leg, which is cut off below the knee. He speaks of it frequently, like Sir John Ramorny of his bloody hand, and when he gives an account of his wound, and alludes to the French on that day, his countenance assumes that air of bitterness which Ramorny's may have exhibited when speaking of "Harry the Smith."

Otherwise, he made himself very agreeable, spoke a great deal of the United States, and of the persons he had known there, and in his manners was quiet and gentlemanlike, and altogether a more polished hero than I had expected to see. To judge from the past, he will not long remain in his present state of inaction, besides having within him, according to Zavala, "a principle of action for ever impelling him forward."

En attendant, breakfast was announced. The Señora de Santa Anna led me in. C——n was placed at the head of the table, I on his right, Santa Anna opposite, the Señora on my right. The breakfast was very handsome, consisting of innumerable Spanish dishes, meat and

vegetables, fish and fowl, fruits and sweetmeats, all served in white and gold French porcelain, with coffee, wines, &c.. After breakfast, the Señora having despatched an officer for her cigar-case, which was gold, with a diamond latch, offered me a cigar, which I having declined, she lighted her own, a little paper "cigarito," and the gentlemen followed her good example.

We then proceeded to look at the out-houses and offices; at the General's favourite war-horse, an old white charger, probably a sincerer philosopher than his master; at several game-cocks, kept with especial care, cock-fighting being a favourite recreation of Santa Anna's; and at his *litera*, which is handsome and comfortable. There are no gardens, but, as he observed, the whole country, which for twelve leagues square belongs to him, is a garden. The appearance of the family says little for the healthiness of the *locale*; and indeed its beauty and fertility will not compensate for its insalubrity.

As we had but a few hours to spare, the General ordered round two carriages, both very handsome, and made in the United States, one of which conveyed him and C——n, the Señora and me. In the other were the little girl and the officers, in which order we proceeded across the country to the high-road, where the diligence and servants, with our guide, Don Miguel S——, were to overtake us. The diligence not having arrived, we got down and sat on a stone bench, in front of an Indian cottage, where we talked, while the young lady amused herself by eating apples, and C——n and the General remained moralizing in the carriage.

Shortly after, and just as the sun was beginning to give us a specimen of his power, our lumbering escort of Mexican soldiers galloped up (orders having been given by the government that a fresh escort shall be stationed every six leagues) and announced the approach of the diligence. We were agreeably disappointed by the arrival of a handsome new coach, made in the United States, drawn by ten good-looking mules and driven by a smart Yankee coachman. Our party consisted of ourselves, Don Miguel, the captain of the Jason and his first lieutenant, who accompany us to Mexico. The day was delightful, and every one apparently in good humour. We took leave of General Santa Anna, his lady and daughter, also of our hospitable entertainer, Señor V——o; got into the diligence — doors shut — all right — lash up the mules, and now for Mexico!

B. JOURNEY FROM MANGA DE CLAVO TO PLAN DEL RIO

Gradually, as in Dante's Commedia, after leaving Purgatory, typified by Vera Cruz, we seemed to draw nearer to Paradise. The road is difficult, as the approach to Paradise ought to be, and the extraordinary jolts were sufficient to prevent us from being too much enraptured by the scenery, which increased in beauty as we advanced. At Santa Fé and Sopilote we changed horses, and at Tolomé, one of the sites of the civil war, came to the end of Santa Anna's twelve leagues of property.

We arrived at Puente Nacional, formerly Puente del Rey, celebrated as the scene of many an engagement during the Revolution, and by occupying which, Victoria frequently prevented the passage of the Spanish troops, and that of the convoys of silver to the port. Here we stopped a short time to admire the beautiful bridge thrown over the river Antigua, with its stone arches, which brought Mrs. Ward's sketch to my recollection, though it is very long since I saw the book. We were accompanied by the commander of the fort. It is now a peaceful-looking scene. We walked to the bridge, pulled branches of large white flowers, admired the rapid river dashing over the rocks, and the fine, bold scenery that surrounds it. The village is a mere collection of huts, with some fine trees.

It was difficult to believe, as we journeyed on, that we were now in the midst of December. The air was soft and balmy. The heat, without being oppressive, that of a July day in England. The road through a succession of woody country; trees covered with every variety of blossom, and loaded with the most delicious tropical fruits; flowers of every colour filling the air with fragrance, and the most fantastical profusion of parasitical plants intertwining the branches of the trees, and flinging their bright blossoms over every bough. Palms, cocoas, oranges, lemons, succeeded one another, and at one turn of the road, down in a lovely green valley, we caught a glimpse of an Indian woman, with her long hair, resting under the shade of a lofty tree, beside a running stream — an Oriental picture. Had it not been for the dust and the jolting, nothing could have been more delightful. As for Don Miguel, with his head out of the window, now desiring the coachman to go more quietly, now warning us to prepare for a jolt, now pointing out every thing worth looking at, and making light

of all difficulties, he was the very best conductor of a journey I ever met with. His hat of itself was a curiosity to us; a white beaver with immense brim, lined with thick silver tissue, with two large silver rolls and tassels round it.

One circumstance must be observed by all who travel in Mexican territory. There is not one human being or passing object to be seen that is not in itself a picture, or which would not form a good subject for the pencil. The Indian women with their plaited hair, and little children slung to their backs, their large straw hats, and petticoats of two colours — the long strings of arrièros with their loaded mules, and swarthy, wild-looking faces — the chance horseman who passes with his *sarape* of many colours, his high ornamented saddle, Mexican hat, silver stirrups and leathern boots — all is picturesque. Salvator Rosa and Hogarth might have travelled here to advantage, hand-in-hand; Salvator for the sublime, and Hogarth taking him up where the sublime became the ridiculous.

At La Calera, we had a distant view of the sea. Occasionally we stopped to buy oranges fresh from the trees, pineapples, and granaditas, which are like Brobdinagian gooseberries, the pulp enclosed in a very thick, yellow, or green rind, and very refreshing.

It was about seven in the evening, when very dusty, rather tired, but very much enchanted with all we had seen, we arrived at Plan del Rio. . . .

90. Aberdeen to Bankhead on the Policy of Great Britain toward Mexico in the War against the United States

[June 1, 1846. *British Foreign Office Archives MSS.* Reprinted by permission of the publishers, Charles Scribner's Sons, New York, from George Lockhart Rives's *United States and Mexico, 1821–1848* (1913), II, 162–163.]

The instructions, excerpts from which are given below, were sent to the British minister to Mexico, Mr. Bankhead, by the Secretary of State for Foreign Affairs, Lord Aberdeen, on June 1, 1846. They make clear the reasons which led the British government to refuse to intervene in the war between the United States and Mexico.

Within the last three years I have frequently had occasion to convey to you the opinions of Her Majesty's Govt. respecting the position of embarrassment and danger in which the line of policy long and unfortunately pursued by the Mexican Govt. with regard to Texas, and also to the United States, had placed Mexico; and the decision to which Her Majesty's Govt. had come on the subject of any assistance which might be requested of them, on behalf of Mexico against the United States. . . .

The more recent events which have occurred in Mexico are far from affording Her Majesty's Govt. any reasonable ground for departing from the line of policy which in 1844 they found it expedient to adopt. On the contrary they see in those events more and more cause for rigidly adhering to the system of non-interference which they then prescribed to themselves.

Since that time the Annexation of Texas to the United States, which had long been foreseen and pointed out to the Govt. of Mexico by Her Majesty's Govt. and which the timely recognition of Texas by Mexico, so often insisted on by Great Britain, could alone have prevented, has been consummated; and the further encroachment of the United States on the Mexican Territory, which was equally foretold by Her Majesty's Govt., has been realized. Meantime Mexico, although menaced, and now indeed, as we learn, actually engaged in hostilities, on her Texan Frontier, has been precluded by her internal dissensions and the penury of her finances from effectually providing against the emergency in which She is involved. . . .

Were Great Britain to interfere in that quarrel, She would involve herself in a war with the United States; and not only that, but She must necessarily play the part, not merely of an auxiliary, but of a principal, in such a war; that is, She would find herself engaged in a war with a nation with which She would have no personal cause of quarrel, in behalf of a Nation and Govt. which She has repeatedly warned in the most friendly and urgent manner of their danger, and which, solely in consequence of their wilful contempt of that warning, have at last plunged headlong down the precipice from which the British Govt. spared no efforts to save them.

I state these circumstances not by way of reproach, for reproach is now useless, but solely in order to enable you to place more clearly before the eyes of the President Paredes, if he be still Chief Magistrate,

the real state of the case without disguise, and to point out to him in a palpable shape the true position of Great Britain, and the reasons for which Her Majesty's Govt. must necessarily decline to come forward in support of Mexico against the United States.

In making known this decision, however, which you will do in explicit but courteous terms, and accompanied by an assurance of the sincere regret which Her Majesty's Govt. feel in being compelled to take this course, you will at the same time declare to the President, or the Secretary of State, that Her Majesty's Govt. will always be found perfectly willing and desirous to give Mexico every proof of their earnest wish to save her, as far as it may be possible, by friendly interposition, from the fatal consequences of the policy which her successive Govts. have for many years past been so unfortunately induced to pursue towards Texas and the United States.

91. Amendments of 1859 to the Mexican Constitution

[September 25, 1874. *Papers Relating to the Foreign Relations of the United States, 1874,* 714. Published by the United States Department of State.]

The amendments given below were decreed by the liberal government of Mexico at Vera Cruz in 1859. It was not until May 29, 1874, however, that they were incorporated in the constitution by order of the congress. They became part of the constitution on November 12, 1874, after they had been ratified by the state legislatures. The incorporation of these amendments marked the final triumph of the principles of the laws of reform and the success of the long struggle between the liberals and the conservatives.

Sebastian Lerdo de Tejada, constitutional President of the United States of Mexico,[1] to all the inhabitants thereof:

Know ye that the Congress of the Union has decreed the following:

The Congress of the United States of Mexico, in the exercise of the faculty conferred upon it by the one hundred and twenty-seventh article of the constitution promulgated on the 12th of February, 1857, and with the previous approval of the legislatures of the republic, declares —

The following are additions and amendments to the said constitution:

[1] The United Mexican States.

ARTICLE 1. The state and the church are mutually independent. Congress cannot pass any laws establishing or prohibiting any religion.

ARTICLE 2. Marriage is a civil contract. This and other acts of the civil life of the individuals are under the exclusive supervision of the civil officials and authorities, in the manner provided by the laws, and will have the force and validity which said laws confer upon them.

ARTICLE 3. No religious institutions can acquire real estate or capital, secured by mortgage thereupon, with the single exception provided in the twenty-seventh article of this constitution.

ARTICLE 4. The simple promise to speak the truth and comply with the obligations, which are undertaken, shall take the place of the religious oath, with its effects and penalties.

ARTICLE 5. No one can be compelled to give personal service without just compensation and without his full consent. The state cannot permit any contract, compact, or agreement to be executed which may have for its object the diminution, loss, or irrevocable sacrifice of personal liberty, whether by reason of labor, education, or religious vow. The law, therefore, does not recognize monastic orders, nor can it permit their establishment, under whatever name or object they may claim it to be formed. Neither can it allow any compact by which an individual agrees to his own proscription or banishment.

Hall of the Congress, September 25, 1873.

(Signed by all the deputies of the Congress.)

Therefore I order the above to be printed, published, circulated, and duly obeyed.

Given in the national palace of Mexico, September 25, 1873.

SEBASTIAN LERDO DE TEJADA

To the Citizen Cayetano Gómez y Perez,
In Charge of the Ministry of the Interior.

92. SPEECH OF PRESIDENT JUÁREZ AT THE CLOSING OF THE SESSION OF CONGRESS

[December 15, 1861. *House Executive Documents*, 37th Congress, 2d Session, VIII, 169–170.]

The situation in Mexico in December, 1861, was indeed critical. The Spanish had arrived at Vera Cruz on December 14,

a day before the congress adjourned, and had taken possession of the fort of Ulloa. The nation, however, rallied to its leader, and many even of the reactionary forces offered him their services. President Benito Juárez had appointed Manuel Doblado minister of foreign relations. Doblado was on friendly terms with the congress. It was at his request that that body granted the government extraordinary powers. The following speech was delivered with the calm dignity which characterized the addresses given by him during great crises.

Citizen Deputies: You are about to suspend your legislative functions in the midst of the most difficult circumstances which have surrounded Mexico since her independence. Your final resolutions have risen, however, to the grave necessities of the moment, since on retiring you have conceded to the executive all the faculties which are necessary to confront the perils which threaten us.

The government, which sees in these extraordinary faculties an immense increase of responsibility, and which will exercise them only in the name of the national representation, without other title than the imperious emergency of the circumstances, nor other object than the salvation of the republic, feels equal timidity in accepting them, and desires to return them to the sovereign power from whence they are derived.

The supreme emergency of the present moment does not weaken the hope which the government has manifested on another occasion, and which it still entertains, of averting the perils which threaten our nationality, and of re-establishing peace under the protection of law and liberty.

In this work, so difficult, the government has as guarantees of its success the patriotism of the Mexicans and the spirit of reason and equity, which must prevail among the other nations. The Mexican government remains faithful to its sentiments of peace and of good feeling toward other people and of loyalty and moderation toward their representatives, and it hopes to be able to procure that the European governments, whose judgment has been deceived by the enemies of our liberty, with reference to the situation of the republic, will come

to see in what they allege as injuries only one of the inevitable consequences of a revolution highly humanitarian in its character, which the country commenced eight years ago, and which has already begun to realize its promises, not only to Mexicans, but also for foreigners themselves.

These can easily comprehend that a revolution of reform, which in its progress has wounded more or less, though occasionally, some interests, will, in the end, place upon a solid basis all that is most desirable in point of moral and material order, for the benefit of all the inhabitants of the nation, and they will acknowledge that it has already substituted religious liberty, freedom of commerce, and fraternity with the emigrants from other countries, for the system of suspicion and exclusiveness which, until recently, has dominated the interior and foreign policy of the republic.

Other people cannot overlook, except momentarily, the interest which they have in aiding us with their sympathy in consolidating a revolution, the fruits of which they will enjoy as well as ourselves.

For this it is the government hopes, in the war with which the republic is threatened, that the voice of reason, of justice, and of equity, will still be heard, and that rather than by the power of arms, the peril will be allayed by a just and equitable arrangement, compatible with the honor and the dignity of the nation. But if it shall not be so, if it results that our hopes are frustrated the government will employ all the energy which love of country and a consciousness of right can inspire, to stimulate the people to defend their revolution and their independence, having, as the guarantee of our success, the justice of our cause and the patriotism which among all the citizens of the republic, has been aroused by the sole announcement that the independence of our country might be in peril.

The government will do its duty, and if, as it does not doubt, Mexico, by a supreme effort of her sons, is preserved during a foreign war, and has the happiness to see peace again re-established, congress, at its next session, will come together to take advantage of this position, and by dictating wise laws will consolidate, and finally establish, our independence, liberty and reform.

93. Circular of Ocampo explaining the Reason for the Expulsion of Pacheco, Barrio, and Clementi from Mexico

[National Palace, Mexico, January 15, 1861. *Correspondence Relative to the Present Condition of Mexico. Communicated to the House of Representatives by the Department of State*, 104–105. Washington, 1862.]

The conduct of the Spanish ambassador, the papal legate, and the diplomatic representatives of the republics of Guatemala and Ecuador during the period of the War of Reform forced President Juárez to order their expulsion from Mexico. On January 12, 1861, Señor Ocampo, secretary of state and of foreign relations, ordered, on behalf of the president, the departure of Señor Francisco Pacheco, the Spanish ambassador, from the republic "without further delay than may be strictly necessary to prepare and make your journey." The reasons for the action of the Mexican government were explained in the following circular letter sent to the various Mexican legations abroad.

In order that you may bring to the knowledge of the minister of foreign relations of the government near which you are accredited, the reason why the president has thought proper to order the departure from the republic of Messieurs Don Joaquin Francisco Pacheco, Don Felipe Nery del Barrio, and Don Louis Clementi, Archbishop of Damascus, as you will see by the communications which accompany this note, I proceed to make a short statement with regard thereto. Mr. Pacheco came to the republic not long since, accredited expressly in the character of ambassador of her Most Catholic Majesty, near the government (so called) which occupied this capital, and of which Don Miguel Miramon acted as chief.

A few days after his arrival, he caused himself to be received by the rebel government, and besides the support which, in his official character, he thus lent to the faction which had succeeded in holding the capital for three years, he, by his policy, his expressed opinion, and his open influence, lent himself to the maintenance of the rebel government and the prolongation of civil war.

The constitutional government of the republic, which has never ceased to discharge its functions during this long period of civil war, notwithstanding its official relations with Spain have been interrupted, does not actually see in Mr. Pacheco the representative of her Catholic Majesty with whose government the constitutional government of the republic desires to cultivate the best relations, and is ready to terminate existing differences in good-will, regulating itself always by the principles of the strictest justice; but in ordering the departure from the country of Mr. Pacheco, the government acts simply on the exercise of its prerogatives, viewing him only as a foreigner falling under stipulations of the thirty-third Article of our constitution.

Mr. Nery del Barrio, for a long time minister of Guatemala, accredited to this republic, has not only had official relations with the rebels for the past three years, but has made his partiality open for the reactionary faction, to which he has lent his most decided support in the unhappy *coup d'etat* of December, 1857 — a matter of public notoriety.

This minister was almost the first who hastened to recognize the usurper Zuloaga, and who mainly induced other members of the diplomatic corps to do the same. Notwithstanding, he took this unjustifiable step with the knowledge that the existing government was lawfully installed at Guanajuata in January, 1856.

The constitutional government cannot allow this gentleman, thus abusing his position, to continue fomenting civil war. For this reason it causes his departure from the republic, without intending, however, that such a measure of internal policy should, in any degree, imply a hostile spirit toward the republic of Guatemala, which Mr. del Barrio has represented.

Don Louis Clementi has held in this country the mission of Nuncio from his Holiness the Pope. His disposition, and the general tone of the Roman church, which he has represented, has caused him to figure throughout the civil war as a partisan of the seditious clergy of the republic, who, to the greatest degree, have stained with blood the past revolution in this country, under the pretext of religion.

Now that the Mexican republic has, in the exercise of its sovereign power, declared religious liberty, and the absolute independence of each other of church and state, the official representative of the Roman church can have no mission whatever to attend to near the general government of the republic.

Neither of these gentlemen has been officially accredited to the constitutional government for the last three years; consequently their expulsion is nothing more than an act of public order, which is carried into effect through the provisions of the supreme law of the land, and in the exercise of the prerogatives with which the government is invested. Renewing the expressions of my considerations, I am, etc.

OCAMPO

To — —, Mexican Legation — —

94. NAPOLEON III TO GENERAL FOREY

[Fontainebleau, July 3, 1862. *Senate Documents*, 38th Congress, 2d Session, 272.]

The efforts of Señor Gutiérrez de Estrada to induce Napoleon III to intercede in Mexico in 1861 were peculiarly pleasing to that monarch. He deemed the moment opportune for putting into execution his schemes for reëstablishing a French colonial empire. The United States of North America, for which he had no very great regard, because of its program of territorial expansion with its definite effect upon commercial and political influences in the Western Hemisphere, was at the beginning of a gigantic civil war. Napoleon believed that the Confederate States of America would win in that struggle, and he was not averse to the idea of rendering her such aid as could be done without actually breaking the promises of neutrality and causing an open break with the United States. He therefore worked out plans for the establishment of the Second Mexican Empire, with Archduke Maximilian of Austria as emperor. To have the plans carried out in a manner in keeping with his program, he issued to General Forey, commander of the French forces in Mexico, the following instructions:

Fontainebleau, July 3, 1862.

My Dear General: At the moment when you are about to leave for Mexico, charged with important political and military powers, I deem it useful that you should understand my wishes.

This is the line of conduct which you are expected to pursue:

1. To issue a proclamation on your arrival, the principal ideas of which will be indicated to you. 2. To receive with the greatest kindness all Mexicans who may join you. 3. To espouse the quarrel of no party, but to announce that all is provisional until the Mexican nation shall have declared its wishes; to show a great respect for religion, but to reassure at the same time the holders of national property. 4. To supply, pay, and arm, according to your ability, the auxiliary Mexican troops: to give them the chief part in combats. 5. To maintain among your troops, as well as among the auxiliaries, the most severe discipline; to repress with vigor every act, every design, which might wound the Mexicans, for their pride of character must not be forgotten, and it is of the first importance to the success of the undertaking to conciliate the good will of the people.

When we shall have reached the city of Mexico, it is desirable that you should have an understanding with the notable persons of every shade of opinion who shall have espoused our cause, in order to organize a provisional government. This government will submit to the Mexican people the question of the form of political rule which shall be definitively established. An assembly will be afterward elected in accordance with the Mexican laws.

You will aid the new government to introduce into the administration of affairs, and especially into the finances, that regularity of which France offers the best example. To effect this, persons will be sent thither capable of aiding this new organization.

The end to be attained is not to impose upon the Mexicans a form of government which will be distasteful to them, but to aid them to establish, in conformity with their wishes, a government which may have some chance of stability, and will assure to France the redress of the wrongs of which she complains.

It is not to be denied that if they prefer a monarchy it is in the interest of France to aid them in this path.

Persons will not be wanting who will ask you why we propose to spend men and money to establish a regular government in Mexico.

In the present state of the world's civilization Europe is not indifferent to the prosperity of America; for it is she which nourishes our industry and gives life to our commerce. It is our interest that the Republic of the United States shall be powerful and prosperous, but it is not at all to our interest that she should grasp the whole Gulf of

Mexico, rule thence the Antilles as well as South America, and be the sole dispenser of the products of the New World. We see to-day, by sad experience, how precarious is the fate of an industry which is forced to seek its raw material in a single market, under all the vicissitudes to which that market is subject.

If, on the contrary, Mexico preserve its independence, and maintain the integrity of its territory, if a stable government be there established with the aid of France, we shall have restored to the Latin race on the other side of the ocean its force and its prestige; we shall have guaranteed the safety of our and the Spanish colonies in the Antilles. We shall have established our benign influence in the centre of America, and this influence, while creating immense outlets for our commerce, will procure the raw material which is indispensable to our industry.

Mexico, thus regenerated, will always be favorable to us, not only from gratitude but also because her interests will be identical with our own, and because she will find support in the good will of European powers.

To-day, therefore, our military honor is involved, the demands of our policy, the interest of our industry and our commerce, all impose upon us the duty of marching upon Mexico, there boldly planting our flag, and establishing perhaps a monarchy, if not incompatible with the national sentiment of the country, but at least a government which will promise some stability.

NAPOLEON

95. DECREE OF THE ASSEMBLY OF NOTABLES ESTABLISHING A MONARCHY IN MEXICO

[July 11, 1863. *Senate Documents*, 38th Congress, 2d Session, 260.]

M. Saligny, personal representative of Napoleon III in Mexico, instructed General Forey on June 16, 1863, to decree the formation of a Superior Junta of Government and an assembly of notables.[1] The latter issued on the same day the famous decree creating the Assembly of Notables and the Executive Power.[2] This was followed on June 18 with the same officer's decree appointing the members of the Superior Junta

[1] *Senate Documents*, 38th Congress, 2d Session, 254–255. [2] *Ibid.*, 255–256.

of Government.[1] This body issued a manifesto to the Mexican nation on June 24, 1863.[2] The Assembly of Notables met in Mexico City on July 8, 1863. A committee, selected to determine the form of government for Mexico, made its report two days later. On July 11 the main propositions of the committee's report were incorporated in the following decree:

The Provisional Supreme Executive Power of the Nation to the inhabitants thereof: Know ye the Assembly of the Notables has thought fit to decree as follows:

The Assembly of Notables, in virtue of the decree of the 16 ultimo, that it should make known the form of government which best suited the nation, in use of the full right which the nation has to constitute itself, and as its organ and interpreter, declares, with absolute liberty and independence, as follows:

1. The Mexican nation adopts as its form of government a limited hereditary monarchy, with a Catholic prince.

2. The sovereign shall take the title of Emperor of Mexico.

3. The imperial crown of Mexico is offered to his imperial and royal highness the Prince Frederick Maximilian, Archduke of Austria, for himself and his descendants.

4. If, under circumstances which cannot be foreseen, the Archduke of Austria, Ferdinand Maximilian, should not take possession of the throne which is offered him, the Mexican nation relies on the good-will of his majesty Napoleon III., Emperor of the French, to indicate for it another Catholic prince.

Given in the Hall of Sessions, of the Assembly, on the 10th of July, 1863.

TEODOSIO LARES, *President.*
ALLEJAMDRO ARANGO Y ESCANDON, *Secretary.*
JOSÉ MARIA ANDRADE, *Secretary.*

Therefore let it be printed, published by national edict, and circulated, and let due fulfilment be given thereto.

Given in the palace of the Supreme Executive Power of Mexico, on the 11th of July, 1863.

JUAN N. ALMONTE
JOSÉ MARIANO SALAS
JUAN B. ORMACHEA

[1] *Senate Documents*, 38th Congress, 2d Session, 256–257. [2] *Ibid.*, 258–259.

96. The Offer of the Mexican Crown to Maximilian

[Miramar, October 3, 1863. *Senate Documents*, 38th Congress, 2d Session, 261–262.]

As one of its first acts the regency created by the Assembly of the Notables appointed a commission to lay before the Archduke Maximilian the resolution of the assembly and formally offer him the crown of Mexico. The presidency of the commission was given to Señor José Manuel Gutiérrez de Estrada, a former Secretary of State for Foreign Affairs and a man prominent in the political affairs of the country. Gutiérrez addressed the Archduke as follows:

Prince: The powerful hand of a generous monarch had hardly restored liberty to the Mexican nation, when he despatched us to your imperial highness, cherishing the sincerest wishes and warmest hopes for our mission. We shall not dwell upon the visitations which Mexico has had to undergo, and which, as they are notorious, have reduced our country to the verge of despair and ruin. There are no means we have not employed, no way we have not tried, to escape a situation full of misery for the present, and foreboding catastrophes for the future. We have long endeavored to extricate ourselves from the fatal and ruinous position into which the country had fallen, on adopting, with credulous inexperience, republican institutions, at variance with its natural arrangements, its customs, and traditions; institutions which, though they resulted in the greatness and prosperity of a neighboring nation, have only become a source of trials and desperate disappointments in our case.

Nearly half a century, Prince, has elapsed, carrying with it for Mexico barren tortures and intolerable humiliation, but without deadening the spark of hope and indomitable vitality in our breasts. Full of unshaken confidence in the Ruler of human destinies, we never ceased to look out for a cure of our ever-growing national malady. We may say we awaited its advent true to ourselves. Our faith was not in vain. The ways of Providence have become manifest, opening up a new era, and exciting the admiration of the greatest minds by an unexpected turn of fortune.

Once again master of her destinies, Mexico, taught by experience, is

at this moment making a last effort to correct her faults. She is changing her institutions, being firmly persuaded that those now selected will be even more salutary than the analogous arrangements which existed at the time she was the colony of a European state. This will be all the more certain if we should be destined to see at our head a Catholic Prince, who, with the high and recognized worth of his character, with the nobility of his feelings, knows how to couple that firmness of will and self-sacrificing devotion which are the inheritance of those only who have been selected by God Almighty, in decisive moments of public danger and social ruin, to save sinking peoples and restore them to a new life. Mexico expects much from the spirit of those institutions which have governed it for three centuries, and which, when they fell, left us a brilliant, but, alas! now spoiled inheritance. The democratic republic endeavored to do away with the traces of former grandeur. But whatever may be our confidence in such institutions, their efficiency will be only perfect when crowned in the person of your imperial highness. A king, the heir of an old monarchy, and representing solid institutions, may render his people happy, even in the absence of distinguished qualities of mind and character; but very different and exceptional qualities are required in a prince who intends to become the founder of a new dynasty and the heir of a republic.

Without you, Prince — believe it from these lips which have never served the purposes of flattery — without you, all our efforts to save the country will be in vain. Without you will not be realized the generous intentions of a great sovereign, whose sword restored us to liberty and whose powerful arm now supports us in this decisive hour. With you, however, experienced in the difficult art of government, our institutions would become what they ought to be, if the happiness and prosperity of our country are to be guaranteed. With you they would have for their foundation that genuine liberty which is coupled with justice and moderation — not the spurious counterfeit we have become conversant with during half a century's ruinous wars and quarrels. Such institutions, equally as they are in harmony with the spirit of the age, will also become the unshakable corner-stone of our national independence. These sentiments, these hopes, which have been long entertained by all true friends of Mexico, are now in the hearts of all in our country. In Europe, too, whatever sympathies or

antipathies may have been roused on the occasion of our present step, there is only one voice in regard to your imperial highness and your noble consort, who, shining by personal worth and high virtues, will share your throne and rule over our hearts. The Mexicans require only to see you in order to love you.

Faithful interpreters of the longing desire and the wishes of our country, in its name we offer to your imperial highness the crown of Mexico — that crown which a solemn resolution of the Assembly of Notables has of its free will and accord handed over to your imperial highness. Even now that resolution has been confirmed by the assent of many provinces, and will soon be sanctioned by the entire nation. Nor can we forget, Prince, that by a fortunate coincidence of circumstances this great national act is taking place on the day on which Mexico celebrates the anniversary of the victorious appearance of the national army, carrying high the banner of independence and monarchy. May it please your imperial highness to fulfil our prayers and accept our choice. May we be enabled to carry the joyous tidings to a country awaiting them in longing anxiety; joyous tidings not only for us Mexicans, but also for France, whose name is now indissolubly bound up with our history; and gratitude for England and Spain, who began the work of revival; and for the illustrious house of Austria, connected by time-honored and glorious memories with a new continent.

We do not undervalue the sacrifice to be made by your imperial highness in entering upon so great a task with all its consequences, and in severing yourself from your friends in Europe — that quarter of the globe which, from its centre, diffuses civilization over the world. Yes, Prince, this crown which our love offers you is but a heavy burden to-day, but it will soon be made enviable by your virtues, our zealous co-operation, our loyal devotion, and inextinguishable gratitude. Whatever may be our faults, however deep our fall, we are still the sons of those who, inspired by the sacred names of religion, king, and country, hesitated not to run the greatest risks, engage in the grandest enterprises, combat and suffer in their course. These are the sentiments which, in the name of our grateful country, we lay at the feet of your imperial highness. We offer them to the worthy scion of that powerful dynasty which planted Christianity on our native soil. On that soil, Prince, we hope to see you fulfil a high task, to mature

the choicest fruits of culture, which are order and true liberty. The task is great, but greater is our confidence in Providence, which has led us thus far.

97. Reply of the Archduke Maximilian to the Mexican Deputation

[Miramar, October 3, 1863. *Diplomatic Correspondence of the United States, 1865*, III, 787. Also in the same publication for the year 1864, IV, 119. Published by the United States Department of State.]

The dual control of the French expedition into Mexico had not been successful. General Forey and M. Saligny were therefore recalled and Marshal Bazaine was appointed to take full charge of the interests of Napoleon III in Mexico. The demands which Maximilian made in the following speech made it necessary to give guaranties that the elections would be held and that the integrity and independence of the Mexican nation would be properly safeguarded. This was the task before Marshal Bazaine and the monarchical party.

Gentlemen: I am deeply touched by the wishes which were expressed by the assembly of the notables of Mexico, at their sitting of the 10th of June, and which you have been charged to bring me. It can only be flattering to our house that, at the first mention of the word monarchy, the eyes of your countrymen were at once turned to the race of Charles V. Although the task of assuring the independence and well-being of Mexico, by means of durable and free institutions, is a very noble one, still I must acknowledge, in full understanding with his Majesty the Emperor of the French, whose glorious initiative makes the regeneration of your beloved country possible, that the monarchy cannot be restored, on legitimate and lasting foundations, unless the whole nation, of its own free will, ratifies the wish of the capital. Therefore, I must make my acceptance of the throne which is offered to me depend, first, on the result of the vote of the entire country. On the other hand, my comprehension of the sacred duties of the ruler over the restored empire makes it necessary for me to ask for those guarantees which are indespensable to protect it from the dangers

which threaten its integrity and independence. Should the assurances of a well-grounded security in the future be obtained, and should the universal choice of the noble Mexican people fall upon me, I shall be ready to accept the throne, supported by the acquiescence of the high chief of my family, and confiding in the protection of the Almighty. In case that I should be called by Providence to the high mission of civilization connected with this crown, I must, gentlemen, declare to you, even now, my firm determination, following the wise example of my imperial brother, to open to the country the path of progress founded on law and order, by means of a constitutional government, and as soon as the whole realm has been restored to peace, to seal the fundamental fact with the nation by my oath. Only in this way could a new and truly national policy be called into life, in which all parties, forgetting their ancient enmities, would help to raise Mexico to that conspicuous rank among the nations to which she would seem to be destined under a government which held as its highest principle to let moderation and law govern.

Gentlemen, will you communicate to your countrymen these resolutions, which I have freely imparted to you, and strive that it may be made possible to the nation to declare what government it wishes to see established.

98. Official Account of the Proceedings of April 10, 1864, at Miramar

[Imperial Palace, Mexico City, May 19, 1864. *El Iris*, Tampico, June 9, 1864. Reprinted in *Diplomatic Correspondence of the United States, 1865*, III, 606–610.]

The account of the proceedings at Miramar on April 10, 1864, on which occasion the newly elected emperor formally accepted the offer of the throne of Mexico, was ordered published by the regency of the empire. It included a list of the names of those present in the palace during the ceremonies, the address of the president of the commission, Señor Estrada, the reply of the Emperor Maximilian, the reply of the president, the oath taken by the emperor, and a brief note on the *Te Deum* celebrated in the chapel of the palace.

(El Iris, Tampico, June 9, 1864.)

DEPARTMENT OF STATE FOR FOREIGN AFFAIRS,
Imperial Palace, Mexico, May 19, 1864.

The regency of the empire has pleased to order the solemn publication of the act forwarded from Miramar by the Mexican commission charged to offer the votes of the Mexicans and the crown of the empire to his Imperial and Royal Highness the Archduke Ferdinand Maximilian of Austria, which says verbatim as follows:

At the palace of Miramar, near Trieste, on the tenth day of the month of April, 1864, being present in the reception room, his Imperial and Royal Highness the Archduke Maximilian of Austria and his august spouse, her Imperial and Royal Highness the Archduchess Carlota, accompanied by the Princess of Metternich, Countess Zichy, Lady of Honor to her Majesty the Empress of Austria, with the functions of Chief Lady of the Bedchamber of the Archduchess; the Countess Paula Kollatues, Canoness of the Chapter of Noble Ladies of Savoy; the Marchioness of Maria de Villa, Countess Zichy; his excellency M. Herbet, minister plenipotentiary of the first class of his Majesty the Emperor of the French on mission from the Department for Foreign Affairs; his excellency Count O'Sullivan de Grasse, envoy extraordinary and minister plenipotentiary of his Majesty the King of the Belgians near the court of Vienna; M. Hypolite Morier, captain in the line of the French navy, and in command of the frigate Themis; and his excellency the Count Hadik de Tutak, actual privy councillor, Gentleman of his Imperial, Royal, and Apostolic Majesty, preceded by the grandmaster of the ceremonies Marquis José Cerio, Gentleman of his Imperial, Royal, and Apostolic Majesty, and Gentleman on service of their Imperial Highnesses, who also were present at the audience; the president and other members present of the deputation charged to offer the vote of the Mexicans adopting monarchical institutions and inviting his Imperial and Royal Highness and his successors to occupy the throne, to wit: the most excellent D. José Maria Gutierrez de Estrada, Knight Grand Cross of the royal and distinguished Spanish order of Charles III, formerly minister for foreign affairs, and minister plenipotentiary of Mexico to various sovereigns of Europe; the most excellent Don Joaquin Velasquez de Leon, Commander of the imperial order of Guadalupe, former minister of finance in Mexico. and formerly minister plenipotentiary to the United States; Don

Ignacio Aguilar, Commander of the order of Guadalupe, formerly minister of government and judge of the supreme court of the nation, and Don Adrian Woll, general of division, Commander of the orders of Guadalupe and the Legion of Honor, and M. de José Hidalgo, Commander with the decoration of the American order of Isabel the Catholic, of the Pontificate of Pio IX, and of that of Jerusalem, Grand Officer of that of Guadalupe, and Knight of that of San Silvestre; D. Antonio Escandon, Commander in the order of Isabel the Catholic, Knight of the order of St. Gregory, and of José Maria de Landa, Knight of the order of St. Gregory; and there were also introduced the Mexican gentlemen D. Francisco de Paula, Arrangoiz and Berzabel, Commander with the decoration of the royal American order of Isabella the Catholic, and of the Pontificate of St. Gregory, and Knight of that of Guadalupe of Mexico, formerly minister of the treasury; D. Tomas Murphy, Commander of the imperial and royal order of Francis Joseph of Austria, and formerly minister of Mexico to England; Colonel Don Francisco Facio, formerly chargé d'affaires at London, and consul-general at the Hanseatic Cities; D. Andrea Negrete, formerly chargé d'affaires at Belgium, and now chargé d'affaires and consul-general at the Hanseatic Cities; D. Isidore Diaz, formerly minister of justice and of government; D. Pedro Escandon, Knight of the Legion of Honor, and formerly secretary of legation; Colonel D. José Annero Ruiz, Commander of the order of Isabella the Catholic, and Knight of that of Guadalupe, now consul at Marseilles; Doctor of Presbytery D. Ignacio Montes de Oca; Doctor D. Pablo Martinez del Rio, Knight of the order of Guadalupe; D. Fernando Gutierrez de Estrada, Knight of the order of St. Gregory; D. Ignacio Amor; D. Pedro Ontiveros, commanding battalion; D. Joaquin Manuel Rodriguez, commanding battalion. His excellency the president addressed to his Highness the Archduke the following allocution:

"Sir, the Mexican deputation has the happiness again to find itself in your august presence, and experiences unutterable gladness on reflecting on the motives which conduct it hither. In effect, sir, the good fortune falls on us to inform you, in the name of the regency of the empire, that the vote of the notables — by which you have been designated for the crown of Mexico — ratified this day by the enthusiastic adhesion of an immense majority of the country, of the municipal authorities, of the corporate bodies, consecrating that unani-

mous proclamation, has come to be, as well by its moral importance as by its numerical value, a truly national vote.

"By this glorious title, and sustained by the promises of the third of October, one thousand eight hundred and sixty-three, which have caused such well-founded hopes to spring up in the country, we now present ourselves to solicit from your Imperial Highness the full and definitive acceptance of the Mexican throne, which will become a bond of union and a source of prosperity to that people, subjected for so many years to very rude and terrible trials. So great have they been, that it would infallibly have succumbed beneath the burden of its calamities, without the aid of any one of the great empires of Europe, without the eminent qualities and admirable self-negation of your Imperial Highness, and lastly without the freedom of action which you are indebted for to the noble sentiments of your august brother, worthy head by a thousand titles of the illustrious house of Austria. Honor and gratitude to these two princes. Honor and gratitude also to the glorious nation which, at the call of its sovereign, has not hesitated to pour out its blood for our political redemption, thus creating between the one continent and the other a new fraternity in history, when until now this history has only shown to us in Europeans nothing but conquerors. Honor and gratitude to that emperor, great and generous, who, making a French interest of all the interests of the world, has in a few years, in despite of passing obstacles, had the glory and the fortune to raise the flag of France, always feared, but always sympathetic, on the confines of the distant empire of China, and on the remote frontiers of the far-off empire of Mexico. Honor and gratitude to such people and to such princes, is the cry of every true Mexican. By conquering the love of the people, you, sir, have learned the difficult art of governing them. Therefore it is that, after so many struggles, our country, which experiences an imperious necessity for union, will one day owe to you the inappreciable blessing of having conciliated the hearts of the Mexicans, whom public calamities and the blind waywardness of passion had divided and separated, but which only awaited your beneficent influence, and the exercise of your paternal authority, to show themselves animated by the same identical sentiments.

"A princess, who by her graciousness alone, no less than by her virtues and her high intelligence, is already queen, will without doubt

understand, from the elevation of the throne, to draw together all minds into perfect union for the general improvement of the country. To see these benefits realized, Mexico with filial confidence places in your hands the sovereign and constituent power which must rule its future destinies, and assure its glorious hereafter, promising to you in this solemn moment of alliance a love with limit and happiness unchangeable.

"It is promised to you, sir, because, catholic and monarchic, through an uninterrupted tradition of ages, it finds in your Imperial Highness an offshoot worthy of the Emperor Charles the Fifth and the Empress Maria Theresa, the symbol and the personification of those two great principles, bases of its primitive existence, and under whose protection, with institutions and appliances that the current of time has made necessary in the government of society, may some day be placed in the high position you are called to occupy among the nations — *in hoc signo vinces.*

"These two great principles, catholicism and monarchy, introduced into Mexico by the noble and knightly people who discovered it, eradicating the errors and dissipating the gloom of idolatry, to these principles, which trained us for civilization, we shall owe this time also our safety; revived as they have been by our independence, and, as they are now, by the smiling hopes bound up with the nascent empire. On this day, which would not be a day of happiness if it were not also a day of justice, our thoughts involuntarily turn to the historic times, and to the series of glorious monarchs, among whom excel in splendor the illustrious ancestors of your Imperial Highness. Nations as well as individuals should, in their hours of joy, salute with affectionate thankfulness the ancestors who no longer exist; and it is for us, sir, a glory we are ambitious of, to cause this just gratitude to shine forth at the very moment when our unhoped-for good fortune equally attracts to us the astonished regards of the world. In opening to you, sir, our wishes and our hopes, we do not say, we cannot say, that the undertaking is easy; the founding an empire never was so — never will be.

"The only thing we will assure you of is that the difficulties of to-day will to-morrow be your glory; and we will even add, that, in the work undertaken, the hand of God is manifestly revealed. When, with the progress of time, our hopes are satisfied and our predictions are verified, when Mexico appears prosperous and regenerate, then, reflecting that

Europe sent to save us its brave battalions to the peaks of Anahuac and the shores of the Pacific, at a time when Europe itself was filled with apprehensions and danger, neither Mexico nor Europe, nor the world, nor that other world which will survive us, and which is called history, will doubt that our safety, procured contrary to all human probability, was not the work of Providence, and your Imperial Highness the instrument selected by it for its consummation. But not through thought of the hazarded fortunes of our country would it be possible for us to forget, sir, that in this hour of our rejoicing, the saddest gloom prevails in other places. We well understand, and our sympathies respond to the sense, that the Austrian land, and chiefly Trieste, your favored residence, will be inconsolable in your absence, but will be consoled by the recollection of your beneficence, and the splendid reflex of your glory.

"After having had the inappreciable fortune to hear from the lips of your Imperial Highness the words of hope that your definitive acceptance will become a reality, deign, sir, to grant us this distinguished and ineffable good fortune to be the first Mexicans who reverently greet you in the name of the country as the sovereign of Mexico, the arbiter of its destinies, and the trustee of its future; the whole Mexican nation, which waits with unspeakable impatience to possess you, will receive you on its privileged soil with a unanimous shout of welcome and of love. But for a soul like yours, sir, this brilliant spectacle, which would be a recompense to others, will only serve to inspire you with new spirit, and strengthen your confidence.

"The reward will come at a later day, and will be providential, like the undertaking achieved. There will be no reward more enviable than that your Highness will receive by coming boldly and respected to Mexico at no distant day; and in truth you could not experience a purer joy than to have founded on the volcanic soil of the Montezumas a powerful empire that will in a short time combine for its splendor and your glory the fruitful influence of that native genius with which Heaven has gifted our American land, with all of the perfection which the justly valued European organization can offer.

"The last conviction, sir, that with us crowns such happy presages, is that Mexico, that sends its acclamations to you from beyond the seas, and the whole world that gazes on you, will not long wait to learn that your Imperial Highness has not in vain had before your eyes, from

your infancy, on the triumphal arch placed in front of the palace of your ancestors, that inscription, well worthy of them, and which takes by surprise the admiration of the traveller: 'Justitia regnorum fundamentum' — Justice the foundation of empire."

His Highness deigned to reply in these terms:

"GENTLEMEN: A deliberate examination of the acts of adhesion which you have come to present to me gives me confidence that the voice of the notables of Mexico, which brought you a short time since to Miramar, has been ratified by an immense majority of your countrymen, and that I can consider myself from this time by good right as the chosen one of the Mexican people. Thus is accomplished the first condition set forth in my reply of 3d of October last. I also indicated another to you at that time, to wit, that relating to securing the guarantees necessary, that the nascent empire should be able calmly to devote itself to the noble task of establishing on a solid basis its independence and well-being. We count to-day on those securities — thanks to the magnanimity of the Emperor of the French, who, in the course of the negotiations which have had place on this subject, has shown himself to be constantly animated by a spirit of loyalty and good-will, the record of which I shall always treasure in my memory.

"On the other hand, the august head of my family has consented to my taking possession of the throne which has been offered to me.

"Now, then, I can fulfil the conditional promise which I made you six months since, to declare here, as I do solemnly declare, that with the aid of the Almighty I accept at the hands of the Mexican nation the crown which it offers to me. Mexico, according to the traditions of that new continent, full of strength and of a hereafter, has exercised the right it has, thus to give to itself a government in conformity with its wishes and its wants, and has staked its hopes on an offshoot of that House of Hapsburg which, three centuries ago, established on its soil a Christian kingdom. I appreciate at its full value such a demonstration of confidence, and shall take care to respond to it. I accept the constitutional power with which the nation, whose organ you are, has seen fit to invest me; but I will only hold it for the time requisite to create regular order in Mexico, and to establish wisely liberal institutions; so that, as I announced to you in my address on the 3d October, I shall hasten to establish monarchy upon the authority of constitutional laws as soon as the pacification of the country may be completely effected.

"The strength of a power is, in my opinion, much better assured by the permanence than by the uncertainty of its limits; and I aspire to place in the exercise of my government those who, without detriment to its prestige, may guarantee its stability. We will prove, as I hope, that liberty well understood is perfectly reconcilable with the empire of order. I shall comprehend how to respect the first, and to cause the second to be respected. I shall exhibit no less vigor in ever maintaining the flag of independence, that symbol of future greatness and prosperity.

"Great is the undertaking confided to me; but I have no doubt of carrying it through, trusting in divine aid and the co-operation of all good Mexicans. I will conclude, gentlemen, by assuring you anew that my government will never forget the gratitude it owes to the illustrious and friendly monarch whose aid has made the regeneration of our beautiful country possible."

"In fine, gentlemen, I announce to you that, before setting off for my new home, I shall only remain long enough to go to the Holy City to receive from the venerable Pontiff the benediction so precious to every sovereign, but doubly important to me, who have been called to found a new empire.

The president replied, saying:

"Possessed by feelings that cannot be exceeded, and penetrated with delight ineffable, we receive, sir, the solemn YES which your Majesty has just uttered. This full and absolute acceptance, so ardently desired, and looked for with panting expectations, is the happy prelude, and must be, with God's help, the sure pledge of the salvation of Mexico, of its new birth, and of its future greatness. On the same day our sons will raise to Heaven offers of thanksgiving for this truly prodigious redemption. There remains to us one duty, sir, to fulfil — the duty of laying at your feet the love of the Mexicans, their gratitude, and the homage of their fidelity."

These last words spoken, the mitred abbot of Miramar and Lacroma, Monsieur George R.c.c., with mitre and crook, assisted by Friar Tomas Gomez, of the order of Franciscans, and Doctor D. Ignacio Montes de Oca, presented themselves to witness the oath which the emperor spontaneously took in these words:

"I, Maximilian, emperor of Mexico, swear to God on the Holy Evangels to promote by all means in my power the welfare and prosper-

ity of the nation, to defend its independence, and maintain the integrity of its territory."

Their majesties were three times saluted with cheers: "Long live the emperor! long live the empress!" given by his excellency Señor Gutierrez de Estrada, and repeated with enthusiasm by the assemblage. They then retired to await the hour set for the Te Deum, which was solemnly chaunted in the chapel in presence of their majesties, the deputation and suite, at which act the emperor also wore the insignia of Grand Master of the Mexican order of Guadalupe. Meantime, at the moment the emperor took the oath, the imperial Mexican standard was hoisted on the tower of the castle, and the frigate Bellona, of the imperial and royal Austrian navy, gave a salute of twenty-one guns, which was repeated by the castle at Trieste, and by the French frigate Themis.

Thus closed the solemn act by which the Archduke of Austria, proclaimed emperor of Mexico by the free and spontaneous choice of that people, became invested with the sovereignty which he will transmit to his illustrious descendants, or to princes called to rule by the law of succession which his majesty may deign to sanction.

To perpetuate the memory of this great event, this act is extended, by order of his excellency the president of the deputation, in duplicate, and signed by him and other members of the same deputation before mentioned, and authenticated by me as secretary, and will be transmitted to the department of foreign affairs and to the archives of the imperial house.

J. M. Gutierrez de Estrada,
President

99. Maximilian's Proclamation on Entering Mexico

[Vera Cruz, May 28, 1864. *Diplomatic Correspondence of the United States, 1865*, III, 456–457. Published by the United States Government.]

Emperor Maximilian and the Empress Charlotte, accompanied by their suites, left Miramar, near Trieste, Austria, on April 14, 1864, to take up their new duties in Mexico. On their way they passed Rome, Gibraltar, the Madeiras, and Jamaica. When they arrived in the city of Vera Cruz the following proclamation was issued by the Emperor of the Mexicans.

Mexicans: You have desired my presence. Your noble nation, by a universal vote, has elected me henceforth the guardian of your destinies. I gladly obey your will. Painful as it has been for me to bid farewell forever to my own, my native country, I have done so, being convinced that the Almighty has pointed out to me, through you, the great and noble duty of devoting all my might and heart to the care of a people who, at last, tired of war and disastrous contests, sincerely wish for peace and prosperity — a people who, having gloriously obtained their independence, desire to reap the benefits of civilization and of true progress to be attained through a stable Constitutional Government. The reliance that you place in me, and I in you, will be crowned by a brilliant triumph if we remain always steadfastly united in courageously defending those great principles which are the only true and lasting basis of modern government, those principles of inviolable and immutable justice, the equality of all men before the law; equal advantages to all in attaining positions of trust and honor, socially and politically; complete and well-defined personal liberty, consisting in protection to the individual and the protection of his property; encouragement to the national wealth, improvements in agriculture, mining, and manufactures; the establishment of new lines of communication for an extensive commerce; and lastly, the free development of intelligence in all that relates to public welfare. The blessing of God, and with it progress and liberty, will not surely be wanting if all parties, under the guidance of a strong National Government, unite together to accomplish what I have just indicated, and if we continue to be animated by that religious sentiment which has made our beautiful country so prominent even in the most troublous periods.

The civilizing flag of France, raised to such a high position by her noble Emperor, to whom you owe the new birth of order and peace, represents those principles. Hear what, in sincere and disinterested words, the chief of his army told you a few months since, being the message of a new era of happiness: "Every country which has wished for a great future, has become great and powerful."

Following in this course, if we are united, loyal, and firm, God will grant us strength to reach to that degree of prosperity which is the object of our ambition.

Mexicans! the future of your beautiful country is controlled by

yourselves. Its future is yours. In all that relates to myself, I offer you a sincere will, a hearty loyalty, and a firm determination to respect the laws and to cause them to be respected by an undeviating and all-efficient authority.

My strength rests in God and in your loyal confidence. The banner of independence is my symbol; my motto you know already: "Equal justice to all." I will be faithful to this trust through all my life. It is my duty conscientiously to wield the sceptre of authority, and with firmness the sword of honor.

To the Empress is confided the sacred trust of devoting to the country all the noble sentiments of Christian virtue and all the teachings of a tender mother.

Let us unite to reach the goal of our common desires; let us forget past sorrows; let us lay aside party hatreds, and the bright morning of peace and well-deserved happiness will dawn gloriously on our new empire.

MAXIMILIAN

100. MAXIMILIAN'S ADDRESS AT THE INAUGURATION OF A MONUMENT TO MORELOS

[September, 1865. *House Executive Documents*, 39th Congress, 1st Session, No. 73, 493–494.]

The inauguration of a monument to José María Morelos y Pavón, one of the great liberators of Mexico, in Guardiola Square, Mexico City, gave Maximilian an opportunity to address the liberals of the empire. The good intentions of the emperor are made evident by this effort to conciliate the various factions by an appeal direct to the people themselves. That he failed was not due to any lack of good intentions but to the fact that he lacked the ability to carry them out.[1]

MEXICANS: We celebrate, to-day, the memory of a man born in obscurity, from the lowest ranks of the people, and who occupies now one of the highest and most illustrious places in the glorious history of our country. A representative of the Mixed races, to whom man's false pride,

[1] Consult H. H. Bancroft's *History of Mexico*, VI, 322–326, as well as his general narrative of the whole period in the same volume.

outraging the sublime precepts of our gospel, refused to grant what is due them, he has written his name in golden letters on the pages of immortality. How has he done it? With two qualities which are the virtues of a true citizen: the patriotism and courage of an indomitable conviction.

He wanted the true independence of his country; he wanted it with the consciousness of the justice of his cause; and God, who helps always those who have faith in their mission, had gifted him with the peculiar qualities of a great leader. We have seen the humble son of the people triumph on the battlefield; we saw him, a poor curate, govern the provinces under his command in the difficult moments of their painful regeneration; we saw him die in shedding blood like a martyr to freedom and independence; but this man will live forever, for the triumph of his principles is the basis of our nationality.

As a free and democratic country, Mexico has the happiness to show the history of its regeneration and freedom represented by heroes belonging to all classes of human society, of all the races who form now an individual nation.

This happiness constitutes its futurity. Every one of them has worked with the same patriotic zeal for the good of the country. All of them have the same rights of enjoying the benefits of their arduous task, and thus to proclaim equality, which is the only and true basis of a nation which respects itself.

Let the monument which we inaugurate to-day for Morelos's one hundredth anniversary be a stimulant to new generations, so that they may learn from the great citizen the qualities which make the invincible strength of our nation.

101. Letter of Pope Pius IX to the Emperor Maximilian

[Rome, October 18, 1864. *Diplomatic Correspondence of the United States, 1865*, III, 588–590.]

The great majority of the Mexican clergy welcomed Emperor Maximilian. Its members had high hopes of a reëstablishment of the old clerical order. On his way to Mexico City the emperor elect had an audience with the Holy Father at the Vatican. The following letter sets forth in detail the program which the Holy See desired the monarch to follow in Mexico.

Sire: When in the month of April last, before assuming the reins of the new empire of Mexico, your Majesty arrived in this capital in order to worship at the tombs of the holy apostles and to receive our apostolic benediction, we informed you of the deep sorrow which filled our soul by reason of the lamentable state into which the social disorders during these last years have reduced all that concerns religion in the Mexican nation.

Before that time, and more than once, we had made known our complaints in public and solemn acts, protesting against the iniquitous law called the law of reform, which attacked the most inviolable rights of the church and outraged the authority of its pastors; against the seizure of the ecclesiastical property and the dissipation of the sacred patrimony; against the unjust suppression of the religious orders; against the false maxims that attack the sanctity of the Catholic religion; and, in fine, against many other transgressions committed not only to the prejudice of sacred persons, but also of the pastoral priesthood and discipline of the church.

For these reasons your Majesty must have well understood how happy we were to see — thanks to the establishment of the new empire — the dawn of pacific and prosperous days for the church of Mexico; a joy which was increased when we saw called to the throne a prince of a Catholic family, and who had given so many proofs of religious zeal and piety. Equally intense was the joy of the worthy Mexican bishops who, on leaving the capital of christendom, where they had presented so many examples of their fidelity and self-denial towards our person, had the happiness of being the first to pay their sincere homage to the sovereign elect of their country, and of hearing from his own lips the most complete assurances of his firm resolution to redress the wrongs done to the church and to reorganize the disturbed elements of civil and religious administration. The Mexican nation also learned with indescribable pleasure of your Majesty's accession to the throne — called to it by the unanimous desire of a people who, up to that time, had been constrained to groan beneath the yoke of an anarchical government, and to lament over the ruins and disasters of the Catholic religion, their chief pride at all times and the foundation of their prosperity.

Under such auspices we have been waiting day by day the acts of the new empire, persuaded that the church, outraged with so much

impiety by the revolution, would receive prompt and just redress, whether by the revocation of the laws which had reduced it to such a state of oppression and servitude, or by the promulgation of others adapted to the suppression of the disastrous effects of an impious administration.

Thwarted hitherto in our hopes by reason, perhaps, of the difficulties which attend the reorganization of a society long overturned, we cannot now refrain from addressing your Majesty and appealing to the uprightness of your intentions; the Catholic spirit of which you have given so many striking proofs on former occasions, and the promises made to us by your Majesty of protecting the church; and we confidently hope that this appeal, penetrating your noble heart, will produce the fruits we have a right to expect.

Your Majesty will undoubtedly perceive that if the church continues to be controlled in the exercise of her sacred rights, if the laws which forbid her to acquire and possess property are not repealed, if churches and convents are still destroyed, if the price of the church property is accepted at the hands of its unlawful purchasers, if the sacred buildings are appropriated to other uses, if the religious orders are not allowed to reassume their distinctive garments and to live in community, if the nuns are obliged to beg for their food and forced to occupy miserable and insufficient edifices, if the newspapers are permitted to insult the pastors with impunity, and to assail the doctrines of the Catholic church — if this state of things is to continue, then the same evils will certainly continue to follow, and perhaps the scandal to the faithful and the wrongs to religion will become greater than ever before.

Ah, sire, in the name of that faith and piety which are the ornaments of your august family; in the name of the church, whose supreme chief and pastor God has constituted us in spite of our unworthiness; in the name of Almighty God who has chosen you to rule over so Catholic a nation with the sole purpose of healing her ills and of restoring the honor of His holy religion, we earnestly conjure you to put your hands to the work, and laying aside every human consideration, and guided solely by an enlightened wisdom and your Christian feelings, dry up the tears of so interesting a portion of the Catholic family, and by such worthy conduct merit the blessings of Jesus Christ, the prince of pastors.

With this purpose, and in compliance with your own wishes, we send you our representative. He will inform you by word of mouth of the sorrow which has been caused to us by the sad news which thus far has reached us, and he will better acquaint you with our intentions and aims in accrediting him near your majesty.

We have instructed him to ask at once from your Majesty, and in our name, the revocation of the unjust laws which for so long a time have oppressed the church, and to prepare, with the aid of the bishops, and when it may be necessary, with the concurrence of our apostolic authority, the complete and definitive reorganization of ecclesiastical affairs.

Your Majesty is well aware that, in order effectively to repair the evils occasioned by the revolution, and to bring back as soon as possible happy days for the church, the Catholic religion must, above all things, continue to be the glory and the mainstay of the Mexican nation, to the exclusion of every other dissenting worship; that the bishops must be perfectly free in the exercise of their pastoral ministry; that the religious orders should be re-established or reorganized conformably with the instructions and the powers which we have given; that the patrimony of the church and the rights which attach to it may be maintained and protected; that no person may obtain the faculty of teaching and publishing false and subversive tenets; that instruction, whether public or private, should be directed and watched over by the ecclesiastical authority; and that, in short, the chains may be broken which up to the present time have held the church in a state of dependence and subject to the arbitrary rule of the civil government. If the religious edifice should be re-established on such bases — and we will not doubt that such will be the case — your Majesty will satisfy one of the greatest requirements and one of the most lively aspirations of a people so religious as that of Mexico; your Majesty will calm our anxieties and those of the illustrious episcopacy of that country; you will open the way to the education of a learned and zealous clergy, as well as to the moral reform of your subjects; and, besides, you will give a striking example to the other governments in the republics of America in which similar very lamentable vicissitudes have tried the church; and, lastly, you will labor effectually to consolidate your own throne, to the glory and prosperity of your imperial family.

For these reasons we recommend to your Majesty the apostolic

nuncio who will have the honor to present to you this our confidential letter. May your Majesty be pleased to honor him with your confidence and good will, in order that he may more easily comply with the mission that has been confided to him. Your Majesty will also be pleased to grant the same confidence to the worthy prelates of Mexico, in order that, animated as they are by the Holy Spirit, and desirous of the salvation of souls, they may be enabled to undertake with courage and joyfully the difficult work of restoration in all that they are concerned, and thus concur towards the re-establishment of social order.

Meanwhile we shall not cease daily to direct our humble prayers to the Father of light and the God of all consolation to the end that, all obstacles being overcome, the councils of the enemies of religious and social order turned to nought, political passions calmed, her full liberty restored to the spouse of Jesus Christ, the Mexican nation may be enabled to hail in the person of your Majesty its father, its regenerator, and its greatest and most imperishable glory.

Confidently hoping to see fully consummated these the most ardent desires of our heart, we send to your Majesty and to your august spouse our apostolic benediction.

Given at Rome, in our Apostolic Palace of the Vatican, the 18th of October, 1864.

PIUS IX

102. THE CHARACTER OF MAXIMILIAN

[1868. Felix Salm-Salm, *My Diary in Mexico in 1867, Including the Last Days of the Emperor Maximilian; with Leaves from the Diary of the Princess Salm-Salm* . . . (1868), I, 314–318. Published by Richard Bentley, London.]

Prince Felix Salm-Salm, general, aide-de-camp, and chief of the household of the Emperor Maximilian, gave the following character sketch of the ill-fated monarch:

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The Emperor was about six feet high, and of a slender figure. His movements, his gait, and especially his greeting, were graceful and light. He had fair hair, not very thick, which he wore carefully parted in the middle. His beard was also fair and very long, and he nursed it with great care. He wore it parted in the middle, and his hand was very frequently occupied with its arrangement. The Emperor's complexion

was pure and clear, and his eyes blue. His mouth had the unmistakeable stamp of the Austrian imperial house, the historical under lip, but not so much pronounced as to be disfiguring.

The Emperor was generally in citizen dress; but in Querétaro, where he stood at the head of his troops, he wore the uniform of a general of division.

When he promenaded, he had his hands behind his back, like a captain of a ship pacing the deck. Another naval habit was, of always carrying in his hand his perspective glass.

The expression of his face was almost always very kind and friendly: one could not look on him without loving him. His friendliness never showed itself in a familiar manner; even with his most intimate friends he always preserved his dignity. Notwithstanding this, he abandoned himself without restraint to his good humour, when in congenial company, and could be very witty and even sarcastic.

He was a very good listener, and fond of hearing the former adventures of the persons around him, whose faults he judged mildly, as he never supposed bad motives. Though he had seen and observed much during his travels, and was a man of very good sense, his heart was too noble and too pure for a profitable knowledge of the world. He had so little conception of wickedness and falsehood in others, that he never would believe in their existence in any man. He was very devoted and true to his friends, and thought more of them than of himself. He forgave easily, and that not only with his lips, but with his heart. Of all men I ever met with in life, the Emperor Maximilian was the noblest, best, and most amiable. Even his very faults were almost virtues; for instance, his kindness, which frequently bordered upon weakness. He could not bear to mortify a man, or harm him in any way, especially if he had done anything against him. He, for instance, did not think much of Baron Lago, the Austrian *chargé d'affaires*, and blamed the lukewarm and selfish faint-heartedness of that gentleman; still, he wrote to him before his death a few kind lines, that he might show them on his return to Vienna.

He was a great lover and connoisseur of the fine arts, and his feeling for fine forms went so far that it was painful for him to look on anything inharmonious or unsymmetrical. I suppose that was the reason why he was easily captivated by good-looking people, with pleasing, polished manners, as he always supposed that a fine human form must

be animated by a fine soul. This feeling for harmony and order with the Emperor extended even to trifling things, which made him appear sometimes almost pedantic.

He liked to finish every business at once, and answered all questions with great patience, but it was disagreeable to him if he was reminded of the thing afterwards. Therefore he insisted that all his orders, even the most trifling, should be noted down at the very moment he gave them.

Those who would judge of the rich soul of the Emperor, should read his travels, which have been published in England and in different languages. They were, as I understand, published at the desire of his august mother, the Archduchess Sophia, who could not erect to her glorious son any better monument. Though written by the archduke when he was still very young, the whole man is revealed in its pages, and everyone who reads them will concur with me in thinking, what a pity this gifted prince was torn from the world where he might have done such extensive good!

To labour for the advancement of humanity and the progress of the world, was the highest ambition of the Emperor Maximilian. His ideas differed, however, so entirely from the old traditions of the Austrian court, that it was impossible for him to find suitable employment in his own country, which he ardently loved. The experienced tempter in Paris offered him a wide field for his aspirations, and the ambition of the descendant of Charles V. was by no means indifferent to the splendour of an imperial crown. The Emperor of the French had an easy game to play with an open chivalrous character like that of the young archduke. The favourite inclinations and desires of the young lofty-minded prince were skillfully worked upon, and Napoleon III. had not much trouble in captivating him by his proposition, which ought to have been examined with the more care, as it was made by a member of the Napoleonic family to one of the family of Austria. But in the noble unprejudiced soul of the archduke, traditional antipathies gave way to his objective admiration for the great statesman which he expressed on several occasions, and whom he had greatly overrated. Any scruples which he might have entertained were overbalanced by the prospect of a glorious and great sphere of usefulness. He who would benefit humanity must frequently dismiss antagonistic personal feelings and inclinations.

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When misfortune came upon him, the mind of the Emperor of Mexico showed itself in its whole strength and moral dignity; and his last days and death are an edifying example for all ages.

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103. Opposition to American Railroads in Mexico

[May 22, 1878. *Papers Relating to the Foreign Relations of the United States, 1878–1879*, 551–552.]

Porfirio Díaz, president of Mexico, made a contract with General William J. Palmer and Mr. James Sullivan, citizens of the United States, to construct a railroad from Mexico City to the Pacific coast and from that same city to the northern frontier to a point in Texas or New Mexico. This arrangement, made in 1877, had to be approved by the congress of Mexico. There was in that body very powerful opposition to the contract. The group of men who feared that a railway connection with the United States would prove dangerous to their country strove to prevent approval of the contract. The following excerpts from the speech of Alfredo Chavero in the Chamber of Deputies indicate the nature of the arguments advanced by this group.

[The first part of the speech is an attack upon the responsibility of persons who apply for the concession, charging that they do not possess or represent the pecuniary capital necessary for the enterprise, which, owing to its personal character, is omitted.]

The argument which I am about to make has already been made on another occasion by a man as patriotic as Mr. Lomus, one of the most valiant men whom I have known, and who has also been very cowardly when the future of the nation has been under discussion. It is a pleasure for me to be a coward in company with such valiant men.

I think, sir, that it is very poor policy, very injudicious, to establish within our country a powerful American company. Perhaps I should not venture to meet this question; but when I believe that I comply with my duty, although I fear for the good of the country, I have no fear of anything else. Let me suppose that this company is exceedingly rich; let me suppose that this company is going to build the

railroad for us in five years, in five days; then I tremble at this, because we are going to establish within our territory an American influence.

I do not fear to speak of the American question. In the Senate and in the Congress of the United States they talk of our questions, and they are neither more valiant nor have they a better right than we to consider them.

The United States have at the present time *slight* difficulties with us; the gentlemen deputies see that I am kind and call them slight. It is very probable that in the future they will continue to have them, that they may even have graver difficulties. The whole nation has seen the attitude taken by the United States upon the change of situation, and how much time has been consumed in the recognition of our government; and they did it, not from good-will; and they did it, not as the result of our measures; but because a Senator named Conkling, an enemy of Mr. Evarts, in order to make war upon him, brought about the recognition of our government. And a question of internal politics, one of opposition on the part of Mr. Conkling and of adjustment on the part of Mr. Evarts, produced this recognition; it was neither kindly feeling nor the recognition of justice of our case which produced it.

It is necessary to speak the whole truth and it is known that difficulties are pending.

In a former Congress a minister of foreign affairs of Mr. Juarez, who never had fear, presented these same observations, these same difficulties; there was no lack of deputies who called him a coward, and who said that in the United States the Republican party was in power, which was the friend of Mexico.

But we have seen during the administration of the Republican party that General Grant, our friend, did not hesitate to state in a message that the manifest destiny of the United States was to acquire territory. Very well; to-day things have changed; the Democratic party, our enemy, has such influence in the United States that it already has the ascendency and influences Mr. Hayes himself, and Mr. Hayes has given us no other proof of regard than the postponement of our recognition for a year and a half. But I desire to think that the United States are our best friends and not to doubt that Mr. Hayes has the desire to always preserve a good understanding with us; but are we

Mexicans so inferior that we can see nothing but the present hour and have no thought for the future?

There are two severe laws in history and these laws are not to be forgotten. The first is this: Border nations are natural enemies. A certain English writer said, "Happy Great Britain, that has no other frontier than the seas;" and without referring to history but considering only contemporaneous acts, who despoiled France of a section of territory? The bordering nation, Germany. Who is invading Turkey at the present time? The bordering nation, Russia. Why are preparations being made for a war between England and Russia? For the border possessions of Asia, possessions of England and Russia. What war is there between Spain and Switzerland, between Italy and Russia? None. It is a natural law of history that border nations are enemies. They may appear to be very friendly in their relations, because one fears the power of the other on account of its superior diplomacy or of its peculiar policy; but at the bottom, naturally, in conformity with the laws of history, border nations are enemies.

And this is so true, gentlemen deputies, that at the present time we have no difficulties either with England, which we do not recognize, nor with France, with whom our relations are severed, nor with Austria, for whom we have shot an archduke; but we have them with the United States, the border nation on the north, and with Guatemala, the border nation on the south.

Hence, sir, the United States, according to the law of history, are naturally our enemy. What ought we to do? Be always strong, be always prepared, even in the moments of greatest friendship with them. Because we do not know what may come later on, what difficulties may take place. And will it be prudent in this case to place the enemy within our house? Is it bravery in a general to let the enemy get in his rear, or is it imprudence? And we are here, sent by the people, to be prudent, and to watch for their well-being and for their future.

There is also another law in history: Nations of the north necessarily invade the nations of the south. Let the history of the emigrations of the different races be read from prehistoric times, and the nations of the north will always be seen tending to conquer the nations of the south. Unfortunately, we do not need to recur to foreign histories; a rich part of our territory has become the prey of the United States; and we do not wish to learn, nor to open our eyes! Hence, if,

in accordance with the laws of history, we should always fear the United States, what are we to do? Strengthen ourselves. What are we to do? Unite ourselves. What are we to do? Progress, and progress in such a manner that there will be no danger for us not establishing within our territory an American company which will have a most powerful influence.

We have seen that a hundred leagues of railroad from here to Vera Cruz have given such influence to the English company that many times this very influence has been sufficient to decide the votes of the Chamber, and shall we be so insane as to consent to the establishment of an American influence by a company which will embrace the whole country, as the committee has said, all our sections and all our roads? What a powerful influence that would be! And could not this powerful influence be converted into a hostile influence? What would all the advantages which the railroad may bring to the States be worth then?

You, the deputies of the States, would you exchange your beautiful and poor liberty of the present for the rich subjection which the railroad could give you! Go and propose to the lion of the desert to exchange his cave of rocks for a golden cage, and the lion of the desert will reply to you with a roar of liberty.

We desire material improvements; we have approved of the general idea of the construction of the railroad; but we do not wish to subject ourselves either to the ridicule of granting this railroad to a company which has not the necessary funds, nor to a danger for the independence and the future of the country.

For this reason, I pray you, gentlemen deputies, to reject the article discussed. The committees at the most offer you riches for the country; I beg you for liberty. [Applause of the deputies and in the galleries.]

104. Impressions of the Mexican Revolution of 1911

[1911. Edith O'Shaughnessy, *Diplomatic Days* (1917), 35–39, 53–54, 148–150, 333–335. Reprinted by permission of the publishers, Harper & Brothers, New York.]

The letters which form this volume, wrote Mrs. O'Shaughnessy, *were written in a period of delightful leisure, when I was receiving my first impressions of Mexico. The might and beauty*

of the great Spanish civilization, set in the frame of exceeding natural loveliness, kindled new enthusiasms, and to it all was added the spectacle of that most passionately personal of human games, Mexican politics.

Though I was standing on its threshold, I had little prescience of the national tragedy which later I was to enter into completely, beyond the feeling of mysterious possibilities of calamity in that rich, beautiful, and coveted land.

I saw as in a glass darkly dim forms whose outlines I could not distinguish, and I heard as from a distance the confused cries of a people about to undergo a supreme national crisis, where the greatest delicacy and reserve were necessary on the part of the neighboring nations.

Since then all has happened to Mexico that can happen to a land and permit of its still existing. Even as individuals bear, they know not how, the unbearable, so has Mexico endured.

It is not easy for those who witnessed her great years of prosperity and peace to be reconciled to the years of chaos which have followed, unable as they are to distinguish any good that has resulted to compensate for the misery undergone.

All theories have been crushed to atoms by the tragic avalanche of facts, and above it the voice of the prophet has been heard, "Let that which is to die, die; that which is to be lost, lose itself; and of them that remain, let them devour one another" — until the time comes for new things.

These statements in the Foreword provide a fitting prelude to a study of the great Mexican revolution begun in 1911.

N.[1] sent a note to Limantour, to the Ministry of Finance, when things were at their hottest, thinking it might possibly suit his needs to be within our extraterritorial walls for a few hours. He sent back the most appreciative of notes, saying, however, that he had no alarm.

A day or two ago, standing at the window, I saw him come out of the ministry. There is a clean-cutness about him and his Gallic origin

[1] Nelson O'Shaughnessy, the husband of the author.

is written all over him in an unmistakable elegance. He is considered by friend and foe alike to be absolutely incorruptible, and the only thing I have ever heard even whispered *against* him is that he is *rich*. However, the Romans that made the roads doubtless got rich, but they made the roads, which is what mattered to the Romans. On all sides are evidences of his taste as well as of his ability, for, besides creating modern financial Mexico and placing her on her golden feet, he laid out the park, he designed the uniforms of the mounted guards there, beautified many of the streets, and in a hundred ways helped to make Mexico City what it now is. The Paseo, the beautiful avenue leading for several kilometers from the "Iron Horse" to the park, was laid out during Maximilian's time, and was known as the Calzada del Emperador; and the beautiful eucalyptus-trees that adorn it were planted by order of Carlota — *tempi passati.*

All is quiet again in the shade of Popocatepetl and Ixtaccihuatl.[1] To-day at 4.30 Díaz's resignation was finally wrung from him.

There are picturesque tales of Doña Carmen[2] standing, black-robed, by his side as he signed away his glory and power, and perhaps that of Mexico as well. A vast throng waited all day for the news before the closed doors of the Chamber of Deputies; but the mob is again simply a peaceful-appearing crowd, singing the national anthem and crying, "*Viva Madero!*" interspersed with an occasional "*Viva De la Barra!*"[3]

I must dress for dinner at Hye de Glunek's, the Austrian chargé — the only invitation any one has accepted or given since some days. Mrs. W.,[4] who is always very kind, lends us the Embassy auto. One of the incidents yesterday was the looting of the pawn-shops. I am afraid the Paris *Herald* will have blood-curdling accounts of the goings-on, and I will send a cable to you, hoping it will get through. In the midst of life we are no more in death here than elsewhere, and it is all extraordinarily interesting.

The streets were completely deserted last night as we drove home from the very excellent dinner at Hye's, at which the German and Belgian ministers, the French chargé, the Spanish minister and his

[1] This note was written on May 25, 1911.

[2] The wife of President Porfirio Díaz.

[3] Francisco de la Barra was president *ad interim* of Mexico from the last of May to the middle of October, 1911.

[4] Mrs. Henry Lane Wilson, wife of the United States ambassador.

pretty daughter, the Romeros, *et al.*, assisted.[1] One sees no Mexicans of any political shade abroad these days, and the change of government has been effected mildly rather than otherwise, if one looks back over Mexican history. A few hundreds killed and wounded, a very few thousands of dollars damage done to property in town, and the great and long and glorious Díaz régime is a thing of the past. Mexico is to tread untrodden paths.

Robles Dominguez, who is Madero's representative here, has been dashing about the streets on a big black horse accompanied by his followers, all wearing the national colors on their hats, promising in the name of Madero everything on earth to the people gathered at the various points where he speaks. In many places the tramcars leading to the different suburbs were taken possession of by the mob, who rode free, to carry the good news "from Ghent to Aix." The cars everywhere were simply plastered with them.

Señor de la Barra was sworn in as President of the republic in the afternoon. No anti-American riots, which were at one time feared, though the ambassador and his staff had the pleasant experience of being hissed as they went to the Cámara for the ceremony. From the little balcony of the drawing-room I could see De la Barra quite plainly as he came down the Paseo, bowing on all sides, grave, but amiable and dignified, in the presidential coach, and across his breast the green-and-white-and-red sash of his high office.

Glittering, blue-uniformed outriders with polished silver helmets preceded him, and the crowd was rending the air with "*Viva De la Barra!*" I saw De la Barra with my physical eye, but I was thinking of the great old Indian, the maker and molder of Mexico, who was wont to go down the broad avenue in that same coach to the sound of *vivas*, and wondering would they see his like again. I am sending you a postcard photograph of Maximilian in uniform, and Carlota in a blue dress with many pearls, which is not really so beside the point. Díaz helped to close that epoch. We now witness the closing of the Díaz epoch.

I had three glimpses of the "King in Exile."[2] First in Rome, the Easter Sunday of 1913, after the Madero tragedy. As I went across the Piazza Barberini I saw flying from the middle window of the *piano*

[1] This note was written on May 26, 1911.

[2] The following six paragraphs are a note, and were of course written several years after the main account.

nobile of the Hotel Bristol, the Mexican colors, floating there by what strange chance, the eagle holding in its claws the antique serpent against the green, white, and red. As I went up the stairway there were numberless and unmistakable Mexicans on the landings, and several priests were waiting in the antechamber.

Doña Carmen came in almost immediately with the "grand air" I had heard about, handsome and composed, a veritable queen in exile. She was dressed with extreme elegance and simplicity, in a perfectly plain, dark-blue gown; around her throat was a pearl necklace. After the greetings she seated me on the gaudy, gold-and-blue sofa, and took her place beside me. Once or twice her eyes filled as we spoke of Mexico, but mostly there was the remote look in them.

When Don Porfirio entered the room I knew him to be a leader of men. *Anno Domini* had weakened his will, perhaps, but had not bowed his proud figure nor dulled the piercing look in his eye, which I remember as hazel with a very large, light iris, the pupil dark and fiery. We could not but speak of the Madero tragedy, Don Porfirio talking in Spanish, I in French. I found myself slightly trembling. He repeated several times, "I foresaw it all — my method was the only one," and once he added, "How shall one judge men other than by results?" I saw in his eye that same remoteness which I think an observer would have found in mine also; for instead of the gaudy hotel room I saw Chapultepec high up, swung in a strange transparency and Don Porfirio's destiny blocked out against it.

In Paris, that same summer of 1913, at the Hotel Astoria, I witnessed another *étape* of the painful, unfit Odyssey from hotel to hotel. The antechamber was filled with their luggage, plastered with endless hotel tabs. Don Porfirio's mien was not quite so majestic, his heart was more broken, his hope less, his years seemed heavier, and they were uncertain where next to turn their steps, to San Sebastian or to some "cure" in Switzerland.

On my way back to Mexico on the *Espagne*, September, 1913, I was sitting idly watching the Spanish shores off Santander. There were some Syrians on board suspected of *quién sabe* what disease, and we were not allowed to go ashore to visit the old town. About four o'clock a small launch was seen approaching. In it were Don Porfirio and Doña Carmen and Don Porfirio's daughter, Doña Amada (Madame de la Torre), whom they were bringing to the ship, which was crowded

with returning Mexicans, anticipating the pacification of the country by Huerta. At the news that the "grand old man" was in the launch there was a rush for the railing. Don Porfirio could not come on board on account of the quarantine. It was a tragic moment when he took his daughter in his arms, and many eyes filled with tears as she tore herself from him and came hurriedly up the gangway. Farewells were waved as the launch turned toward the land. Don Porfirio, upright, majestic, motionless, had his eyes fixed on the ship with its prow toward Mexico. Who would, if he could, have searched his heart or said of what he was thinking, the old, illustrious, the once powerful, in "the fell clutch of circumstance"?

As long as I live his figure will be to me the sign and symbol of nostalgia, as he stood in the small launch, his head bared under the brilliant sky, the bright spot of his red necktie accenting the whiteness of his hair, watching with longing eyes the ship turned toward the land which had given him birth, and which he in return had made great and honorable among nations.

. . . . . .

At three o'clock Madero passed down the Paseo.[1] Our enthusiasm had somewhat abated after the long wait, but we stood up in a motor in front of our door, and could see the immense concourse acclaiming him. There was a great noise of *vivas*, mingling with shouts of all kinds, tramping of feet, and blowing of motor horns.

I could just get a glimpse of a pale, dark-bearded man bowing to the right and left. I kept repeating to myself: "*Qui l'a fait roi? qui l'a couronné? — la victoire.*"

It appears that his departure from his ancestral home in Parras, and the journey down, have been one of the most remarkable personal experiences in all history. There were three days of continual plaudits and adoration, such as only the Roman emperors knew (or perhaps Roosevelt when he went through Europe).

People came from far and near, in all sorts of conveyances or on foot, just to see him, to hear his voice, even to touch his garments for help and healing. It appears he had a wonderful old grandfather, Evaristo, founder of what promises to be a dynasty, who died just before we came to Mexico, and who, it is said, had misgivings about the strange turn of the family fortunes.

[1] This was written on June 7, 1911.

Well, it is a curious experience to see a people at the moment of what they are convinced is their salvation, to see the man they hail as "Messiah" enter their Jerusalem. I can think of no lesser simile. The only thing they didn't shout was "Hosanna." The roofs were black with people along his route. Many threw flowers and green branches as he passed. As for the equestrian statue of Charles IV., in the Plaza, it was alive with people, who clung all over it, climbing to the top, sitting on Charles's head, hanging to his horse's tail.

Madero could make no speech on his arrival here — loss of voice and sick headache, I see by the evening newspaper. The journey and this climax of his entry into the capital doubtlessly overwhelmed his mortality. The crowd, however, was too intent upon its own experiences to feel any lack. The "redeemer" was with them and his mere presence seems to have been sufficient.

. . . . . .

Just home from the Camara, where Madero took his oath of office.[1] Immense crowds were thickly formed about the building, and among the *vivas* for Madero were growls, here and there, of "*Abajo los gringos.*" A few mounted *rurales* only were out, the "Messiah of the peons" having put the crowd on its honor.

. . . . . .

Well, Madero, the man of promises, is President of Mexico, and what difficulties lie before him! After taking his oath, in a firm voice, he ended the speech which followed, rather suddenly, by saying if he did not keep his promises they could send him away.

The extreme pallor of his face was accented by his pointed, black beard, already the delight of the caricaturists, but his mien was grave and his gestures were unusually few. Across his breast was the red, white, and green sash, the visible sign of the dream come true.

I could not but ask myself, as I looked about the vast assemblage and heard the roar of the Indian throngs outside, what have they had to prepare themselves for political liberty after our pattern? But then, you know, I have always had a natural inclination for the strong hand and one head. *L'appétit vient en mangeant*, and a taste for revolutions may be like a taste for anything else. Many of these millions have nothing to lose, and hope, mixed with desire, is rampant during the periods of upheavals.

[1] Written on November 6, 1911.

Some sort of a new day is rising in Mexico, but Madero would seem to be President, not because he is a good and honest man and a well-wisher to all, but simply because he is a successful revolutionary leader, and what has been can be. There was, however, a general effect of everybody patting himself on the back. Were they not seeing, for the first time in their history, the high power relinquished without bloodshed? I fancy they felt quite like "folks" as the "Presidente Blanco"[1] gave it over to the *Apóstol* with nothing redder and warmer than a handshake.

The town was brilliant under the perfect sky, and the green-and-white-and-red flag of the *Tres Garantías* (Three Guarantees) waved from every building. It bears within its folds the history of Mexico since its adoption in 1823. The white represents religious purity, red symbolizes the union of Mexicans and Spaniards in bonds of brotherly love, and green is for independence.

. . . . . .

This morning I went up to Chapultepec to say good-by to Madame Madero.[2] As I drove up the winding way in the white morning the flowers were shining softly along the embankments, the trees were feathery, unsubstantial, the birds singing "like to burst their little throats." It might have been the road to Paradise instead of to the abode of care.

I went in through the great iron gate, the guard saluting, across the flat, stone terrace where some cadets were at drill, and got out at the glass doors leading up to the big stairway. The President was standing there as I drove up, his auto waiting to take him to the palace to a Cabinet meeting. I thought he looked slightly — very slightly — troubled, though I had a feeling that his head was still in the morning clouds of the dazzling day. He wished me a *bon voyage* and *prompt retour* and drove away. Our personal relations with them both have always been most friendly.

I imagine there has been little or no change in his psychology along the lines of practical statecraft. His true habitat is the world of fancy, where he feels himself protected and led on by benign powers as definitely as was Tobias by the angel. A state of mind like that can be very compelling, and he *may* witness what the unkind say is his pet ambition — his own apotheosis.

[1] President Francisco de la Barra. [2] Written on October 5, 1912.

The dim progression of Mexican events seems to have left his spirits untouched, though his fleshly being must be a mass of black-and-blue spots from the hard facts he bumps into. "One man with a dream at pleasure," but I felt like leaving him a pocket edition of *Le Prince.*

I thought Madame Madero showed the strain of that climb from obscurity and prison up the *via triumphalis* to the presidential peaks. The flood of morning light, as we sat on the terrace, did not spare her worn and anxious face. I have an idea that she is very practical, but it is not her practicability, but her husband's dreams, that brought them to Chapultepec. It is a situation to discourage common sense.

. . . . . .

I felt how frail her body, but how determined her will as we embraced in the dazzling morning. About us was the perfume of the rare and lovely shrubs of the *patio*, the splash of the fountain, the singing of birds, the lustrous hills, the shining volcanoes; that crystal air enfolded us, closer than human touch, but beneath us was the restless city and the shifting will of the Mexican people.

105. Progressive Constitutional Party's Platform

[August 31, 1911. *The Mexican Herald* of August 31, 1911. Inclosure clipping in *Papers Relating to the Foreign Relations of the United States, 1911,* 515–516.]

The Progressive Constitutional party of Mexico held its convention in Mexico City in August, 1911. The American chargé d'affaires, Mr. Fred Morris Dearing, explained the nature of the convention and the platform as follows: "The clippings from the local papers which have been forwarded to the Department from time to time will have given the Department a good account as to what took place at the various sessions of the convention, which, however, should be remarked especially on account of its significance as the first untrammeled political convention ever held in this country and the inferences that may be drawn from that fact. The embassy could not, of course, be present at any of the sessions, but it learns from impartial interested observers whose opinion is worthy of

respect that the convention really was free and open and that an admirable temper was displayed. . . . The various sessions, while turbulent at times, were all well conducted and each plank of the party platform was fully discussed before being incorporated. . . . The convention seems to prove the possibility of free political assemblies, and if the expectations it encourages are not illusive, Mexico may be said to have made a great step in advance."[1]

1. *Reestablish the constitution.* — To reestablish the dignity of the constitution, making effective the duties and rights which it prescribes and, likewise, to establish the independence of the powers of the federation and the responsibilities of public officers.

2. *No reelection.* — To carry out the principles of no reelection of the President and Vice President and to try to make the same reforms effective, in so far as relates to the election of governors of States; to make effective the requirements of citizenship of the Federal District, Territory, or State on the part of deputies and senators.

3. *Jefes must go.* — To secure the reforms in the electoral law so as to make suffrage effective, and to secure greater breadth and liberty for the municipal authorities and to do away with jefaturas and political prefecturas.

4. *Free press.* — To arrange article 7 of the Federal constitution so as to make the liberty of writing effective.

5. *Education.* — To improve and increase public instruction and to remove the difficulties now in the way of the freedom of instruction.

6. *Prohibition.* — To improve the material, intellectual, and moral conditions of the laboring man, establishing schools for the instruction of arts and crafts, securing the promulgation of pensions or indemnity in the case of accidents to workingmen, and to fight alcoholism and gambling.

7. *Indians.* — The same degree of interest shall be shown in the indigenous race in general, but especially in the Mayas and Yaqui Indians, returning the exiles to their respective places and establishing agricultural colonies on Government land for those who can be secured for such institutions.

8. *Mexicanization of railways.* — To hasten the Mexicanization of

[1] *Foreign Relations of the United States, 1911*, 516.

the railroads in all departments, establishing for this purpose the special schools which may be deemed necessary.

9. *Monopolies.* — To assist in the development of the national resources; to see that taxes are impartially imposed; to abolish the contract system and to combat all monopolies and special privileges, and above all to see that the public funds are used for the general good of the Nation.

10. *Agriculture.* — To encourage all agricultural and irrigation enterprises, but especially the small farmer, to which end a part of the public funds shall be appropriated. In regard to mining, industries, and commerce, they shall receive concessions which shall insure their development and prosperity.

11. *Army.* — To study and put into effect the most efficient means for the army, so that it may be better prepared for the exercise of the high mission of being the guardian of the national institutions and the defense of the honor and integrity of the Republic. As one of the principal means of accomplishing this end, military instruction will be given.

12. *Foreign relations.* — To strengthen the relations with foreign nations, especially with those of Latin America, and to direct prudently the policy of the Government so as to bring about the union of the Central American Republics.

New Planks. — The clauses which have been added during the convention are:

I. *Judiciary.* — To reform the organization of the Federal Courts, especially that of the Supreme Court of the Nation for the purpose of facilitating the business which comes under the jurisdiction of this department.

II. *Individual guaranties.* — To reform the laws of procedure in the civil and penal codes so as to expedite the business transactions and to give greater guaranties to individual liberty.

III. *Civil court.* — To reestablish the judicial protection [amparo] in all its amplitude in civil matters. These were previously restricted so as to serve the interests of tyranny.

IV. *Farm laws.* — To make laws which will be helpful in the establishment of and the support of small agricultural interests.

V. *Owners' protection.* — To form laws which shall guarantee the rights of possession and give greater protection of landed properties.

VI. *Taxes.* — To make fiscal laws which shall place an equal tax upon the large and the small property owners.

To comply strictly with the laws of reform.

106. The Plan of Guadalupe

[March 26, 1913. *Papers Relating to the Foreign Relations of the United States, 1914*, 589–590, note 58.]

General Venustiano Carranza was governor of the state of Coahuila when, early in the year 1913, General Victoriano Huerta overthrew the Madero government. Carranza refused to adhere to the government of Huerta and announced on February 19 that the state of Coahuila would not support this new government. He invited the governors of other states to join him in opposition to it. He was supported by Governor Maytorena of Sonora and by Generals Álvaro Obregón, Benjamin Hill, and Salvador Alvarado in Sonora. Francisco Villa, in Chihuahua, opposed General Huerta. On March 26 the Plan of Guadalupe, given below, was proclaimed.

Plan of Guadalupe, signed by sixty-four officers of the troops of the State of Coahuila, on March 26, 1913.

Declaration to the Nation

Whereas, General Victoriano Huerta — to whom Francisco I. Madero, Constitutional President of Mexico, entrusted the defense of the institutions and legality of his Government — on uniting with the rebel enemies in arms opposing the same Government, to restore the former dictatorship, committed the crimes of treason to reach power, by arresting the President and Vice President, as well as the members of the Cabinet, forcing them under duress to resign their posts, as shown by messages addressed by the same General Huerta to governors of the States, advising them that he had the Chief Executive of the Republic and the Cabinet as his prisoners; and,

Whereas, the legislative and judicial powers have recognized and protected General Huerta and his illegal and anti-patriotic proceedings, contrary to constitutional laws and precepts; and,

Whereas, several governors of States of the Republic have recognized

the illegitimate government imposed by that part of the army which consummated the treason, headed by the aforesaid General Huerta, notwithstanding that the sovereignty of those very states, whose governors should have been the first to repudiate Huerta, had been violated —

We, the undersigned, chiefs and officers commanding the Constitutional forces, have agreed upon, and will sustain with arms the following *Plan*.

1. General Victoriano Huerta is hereby repudiated as President of the Republic.

2. The Legislative and Judicial Powers of the Federation are also hereby disowned.

3. The Governors of the States who still recognize the federal powers of the present administration shall be repudiated 30 days after the publication of this Plan.

4. For the purpose of organizing the army which is to see that our aims are carried out, we name Venustiano Carranza, now Governor of the State of Coahuila, as First Chief of the army, which is to be called Constitutionalist Army.

5. Upon the occupation of the City of Mexico by the Constitutionalist Army, the executive power shall be vested in Venustiano Carranza, its First Chief, or in the person who may substitute him in command.

6. The Provisional Trustee of the Executive Power of the Republic shall convene general elections as soon as peace is restored, and will surrender the power to the citizen who is elected. The citizen who may act as First Chief of the Constitutionalist Army in the States whose governments may have recognized that of Huerta shall take charge of the provisional government and shall convene local elections, after the citizens elected to discharge the high powers of the federation have entered into the performance of their duties, as proved in the foregoing bases.

107. Mexico building a New Citizenship

[Mexico, August, 1923. José de Vasconcellos, in *Our World*, III, 56–64. Reprinted by permission of the publishers, the Houston Publishing Company, New York.]

Licentiate José de Vasconcellos is a well-known educator and man of letters. As rector of the National University of Mexico he began a program to popularize education. He was minister

of education in President Obregón's cabinet. What he hoped to do for the Mexican people through his educational policy is expressed in the following article:

To educate is to prepare the individual to fulfill a definite social object.

The object of monarchical schools was the formation of good subjects; theological schools, good sacerdotes; the aim of despotism was to create soldiers; and only civilized nations attempt to mold good citizens — that is, free men and women capable of judging life from their own point of view, of being self-supporting, and forming a social structure in which every person who works is assured a comfortable standard of living. This is the type we are endeavoring to create in Mexico, and this has been the object of our educational reforms.

Scientists and educators of the old school often voiced the opinion that our people, particularly the Indians and the peons, formed a caste apart for which there was no salvation. Looking upon man as a product of heredity and environment, they saw no hope of redemption for the Mexican, whose facial angle did not correspond to the norms worked out for the Scotchman or the Norwegian. Moreover, his environmental conditions were of the very worst. But these same theorists also affirmed that this oppressed mass was completely incapable of overthrowing the military and economic despotism of Porfirio Díaz's mailed fist. Yet, notwithstanding, it came about that Porfirio Díaz and all the aristocrats and oligarchs of his epoch were defeated in the field and his methods of government fell into complete discredit. From that time we have told ourselves, in the words of the Evangel instead of the pedants' discussions, that all men are the children of God, and that all races have, or can have, their own special aptitudes. So, leaving to one side these social-scientific hypotheses, and with a good dose of common sense and a little of the inspiration of Christianity, we said to ourselves: This environment of ours is an obstacle to the salvation of our people. In this science was right; but from this one deduces merely that the medium must be transformed, and in contradiction to Spencer's ideas which saw man as the product of his medium, we have adopted the doctrine which Simón Bolívar formulated over one hundred years ago, when he said, referring to the future of the Latin nations of this continent: "If Nature opposes us,

we will fight her and make her obey us." What has civilization been from the first if not the repeated triumph of man over the conditions which surround him? And we determined to transform the old social structure so as to permit the growth of a better future.

Everybody knows what Mexico was before the Revolution: a country embracing one-fourth the area of the United States, with fifteen million inhabitants, twelve million of whom could neither read nor write, poor and oppressed, and all dominated politically by one man — and economically by a hundred families. Natural wealth of every kind — land, mineral deposits — had been liberally divided by Porfirio Díaz among his friends and associates, both natives and foreigners. The native Mexican could not buy arable land because the big landowners refused to sell. Neither could he start a little business of his own because the big organizations set up unfair competition. Politicians of Porfirio Díaz's epoch said: "Why should we educate the masses? If they learn anything they will ask for more wages and more liberty, and this will disturb social conditions. It is better to leave them as they are. The important thing is to preserve Mexico's peace and credit."

The exploitation and tyranny continued without a check, to a point where one of Porfirio Díaz's protégés, a well-known stock-breeder, held practically all the land in the State of Chihuahua, an area as large as half of France. After acquiring the land and live-stock, he bought up the flour mills and had laws put through protecting him against the competition of flour millers of the other regions in Mexico. In this way he could put the price he wanted on bread; and he did the same thing with beer, meat and salt. If Porfirio Díaz had only remained in power longer, the man would probably have worked out a scheme for selling the air.

In a situation like this I ask any American what he would have advised a nation to do. I ask any American citizen: What would you do if you couldn't get a farm in your country, if all the land of the United States was, let us say, in the hands of a thousand families, who did not cultivate it, or only cultivated it partially, while the rest of the country was starving to death? Tax big holdings of land heavily? But in order to do this we had to break the power of the land-holders. When our enemies accuse us of being Bolsheviks we can answer with the facts: "We are a feudal state which is trying to implant an agri-

cultural system similar to that which exists in Ohio, New England and the Dakotas. And if Kansas, with its thousands of fertile farms is Bolshevik, then we want to be Bolshevik too."

To return to the educational aspects of the situation, we are trying to change the environment so it will produce better things; we are changing the agricultural system so we will have not merely inhabitants but citizens and men. I have no hesitation in affirming that the basis of our educational system will be a better distribution of property and the products of labor. A fair settlement of the economic situation is the first step in the educational reform. Our purpose, as I have defined it above, is to create men, not slaves.

The Revolution, when transformed into a government, had for one of its principal aims the adjusting of the country's economic problems. The country elects its own executives and makes its own laws; the average of material well-being has improved considerably, but our progress is slow because we are working in the midst of the errors and ruins of centuries of bad government and of the last ten years of war. In spite of this, a powerful moral current maintains alert the consciences of many who before the Revolution never gave a thought to public welfare, and this is the explanation of the support given to a government which has discharged soldiers and reopened schools. Thousands of soldiers have returned to civilian life and thousands of school teachers have become soldiers of progress in the cities and country. Even in the most remote Indian settlements, hundreds of missionaries, some official and some volunteer, are teaching the people to read and write and more efficient methods of work. These missionary-teachers precede the schools and prepare the way for them, and they have already awakened the interest of the people in general in public education. . . .

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A great deal has been written lately about the best way of educating the pure Indian, and many have recommended the establishment of special schools. But I have always been opposed to this idea, which would inevitably lead to the reservation system. What we want to do is to educate the Indian so he can be completely assimilated into our national body, and not set to one side. I do not believe any difference exists between the uneducated Indian and the uneducated French or English peasant. As soon as he is educated each contributes in his own

way to the civilized life of his country and the world. For this reason I do not speak of the Indian problem, but of the problem of ignorance. This ignorance is aggravated by the indifference, and often by the cruelty of those who, possessing education and wealth, do nothing for the improvement of their fellow men.

After two years of primary education, we have a four-year grammar school course, after which the student who can do the work passes to the preparatory, and after that to the professional schools, the principal one being that connected with the National University of Mexico. But the plan of the Department of Education is to concentrate its efforts on the four large universities: those of Mexico City, Guadalajara, Yucatán and Monterrey. Even more urgent, however, than the problem of the university is that of transforming the old schools of art and trades into technical institutes. We shall try to establish at least one technical school in each large city. . . .

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The True Science is that contained in the venerable wisdom of Christianity which proclaims the equality of all men, and every man's inborn right to life, liberty and happiness, whatever may be his capacities. If the Welshman makes a good mechanical engineer, the Aztec Indian will probably make a good artist, and who can say which is more important to civilization? Therefore in our universities we cultivate a science which shall achieve not merely theoretical good, but economic well-being for everybody. We have increased our courses in mechanical and electrical engineering, applied mechanics and agricultural industries, and this army of producers is taught that the aim of civilization is not the creation of selected groups to exploit the majority but the creation of strong, capable men who work to raise the level of those who are less gifted.

By civilization we understand placing every kind of aptitude at the service of the group. In no way do we deny the importance of men of marked talent or genius; on the contrary, we desire their appearance and their aid, but we cannot recognize them unless they display the true stamp of genius which is the capacity of working for all.

We have reestablished in our universities the old Spanish system of free teaching because learning should be within reach of all. But those who are in a position to do so should contribute to the expense of their education and the wealthy are obliged to pay for their work at the university.

For centuries we have had important libraries in Mexico. There is the National Library, containing over half a million books and manuscripts of great value. There are also the libraries of Guadalajara, Puebla and other states; but all these were organized in accordance with a system which made of a library a kind of archive where the books were hidden from instead of being offered to the reader. We are trying to imitate the splendid public libraries of the United States, and the Department of Public Education has opened thousands of little libraries all over the country. The libraries — we tell the teachers — should go hand in hand with the schools. After learning to read one should have books to read. A good library can take the place of the school and sometimes is even better. It is as important to build libraries as to build schools. . . .

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In order to supply our own libraries and increase the circulation of good books in Spanish the Department of Education has its own printing plant, which is fairly large, where schoolbooks are printed and distributed free of charge. In 1922 we printed 400,000 volumes and we hope to increase this figure to one million this year. We are making translations from French and English for the high schools, and we are also preparing manuals for railroad workers, electricians and workers in other public industries. We have also published a series of classics under the direction of the University of Mexico, including Homer, Plato, Euripides, Dante and Æschylus. We send free copies of these books to the universities of Mexico and South America, normal schools, high schools and libraries. The books are sold to the public at cost price.

At the suggestion of President Obregon, the department began the publication of "El Maestro" (The Teacher). This magazine is published monthly and is distributed gratis to the schools and teachers of Latin America. Political and religious propaganda are excluded from it; but articles on every phase of literature, science, history, geography, hygiene and general interest are published.

The Department of Fine Arts was made an independent branch of our educational system, and this meant a considerable change in our school régime. This department had charge of the teaching of music, drawing and gymnastics. We had hundreds of good musicians and good artists whose services were never utilized after they left the

Conservatory of Music or the School of Fine Arts. We decided to have them teach music and drawing in the elementary schools. They work independently of the normal supervisors, as the artist alone can judge in questions of art. We have likewise formed a group of gymnastic teachers, directed by experts in this field, who carry out their own plans and ideas, after first having discussed them with the educational authorities at regular meetings. The results of the new system have been demonstrated in the public concerts which the school children give on Sundays in the parks or in the schoolyards in which they sing Spanish and Latin-American songs with a feeling and harmony rarely surpassed on the professional stage. These concerts have been such an undivided success that we have decided to introduce the system all over the country.

We have also established singing societies in all the larger cities. Every Sunday concerts and lectures are given in theaters and moving-picture houses, to which twenty thousand persons come, not merely as spectators but as creators of a form of beauty.

We are founding some centers for physical culture, but we can hardly be said to have had much success with them yet. We hope to have more funds at our disposal next year for the development of this work.

An education worthy the name is not complete if it lacks the impulse which only a noble ideal can give it. The ultimate aim of life is something outside and beyond even the most important social ideals; and this obliges us to stop and consider the real object of life once we have achieved success and wealth.

Mexico, together with the most advanced nations, has the duty of improving life itself, creating more perfect types for it. If anyone thinks there may be an exaggeration in this, and were to ask me whether I think that Mexico has anything original to contribute to the world's civilization, I should answer decidedly "Yes," in spite of the fact that I divine the smile which accompanies the question.

And the case of Mexico is not an isolated one; Mexico is one of twenty nations of the same blood and the same tongue, separated today, but which sooner or later will be joined together. They will be united because the feeling of race is even stronger than that of patriotism. Patriotism is frequently the result of political or geographical causes which are artificial or material. But the sentiment of race

proceeds from deep spiritual differences, perhaps in obedience to the designs of Providence which made man different in order that the expression of the human soul may be more varied and rich. This is the reason why true progress in the world demands that no race impose upon another its particular characteristics. In this Latin-America of ours it is our duty to forge a new and broader expression of the Latin spirit and anyone who attempts to impede this is hampering progress.

We are teaching in Mexico, therefore, the patriotism of all Latin-America, this huge continent which lies open to all races and all colors. We are basing our experiment not on utility alone, but principally on beauty, which is what our races of the South instinctively seek, as though in it they found the supreme law. It is broader than nationalism and prepares the coming of that future internationalism which shall rise upon the ruins of imperialism and oppression, a new world inspired in the love of all men and all lands.

BRAZIL

108. Decree of the King of Portugal and Brazil, respecting the Removal of the Seat of Government to Lisbon; the Appointment of the Prince Royal to the Provisional Government at Rio de Janeiro; and the Election in Brazil of Deputies to the Côrtes in Portugal

[Rio de Janeiro, March 7, 1821. *British and Foreign State Papers*, VIII, 968–969. Published by the British Foreign Office.]

The prince regent of Portugal, the mad Queen Maria I, and the court and fifteen thousand persons, "including most of the nobility, and fifty millions of property and treasure," had embarked at Lisbon late in November, 1807, for Brazil under British convoy. There was barely time enough to get under sail, for Junot's advance guard arrived to see them sail away. The prince regent and his followers disembarked at Bahia early in January, 1808, and at Rio de Janeiro on March 7. The seat of government was at Rio de Janeiro until 1821, when it was removed to Lisbon, according to the decree given below. A crisis had come in the relations of Portugal and Brazil, as shown by the two other sections of this decree.

Divine Providence having graciously granted to all European Nations the long wished-for blessings of a general Peace, after a ruinous War; and having permitted the establishment of a basis for the happiness of the Portuguese Monarchy, by means of the Meeting of the General Cortes now extraordinarily assembled in my very Noble and Loyal City of Lisbon, for the purpose of giving to the United Kingdom of Portugal, Brazil and Algarve, a Political Constitution, in accordance with the liberal principles, which, from the progressive improvement of the age, are now generally received by all Nations: and it having been represented to me, by well informed Persons, who are zealous for the

service of God and for my welfare, that the minds of my faithful Vassals, (and principally of those now in this Kingdom of Brazil) who, anxious to maintain the unity and integrity of the Monarchy, were in a painful state of uncertainty, so long as I should not be pleased to declare, in a solemn manner, my express, absolute, and decisive, approbation of the said Constitution, to the end that it may be generally received and executed, without alteration or difference, in all the States of my Royal Crown; — I have thought it fitting to make such Declaration, in my Decree of the 24th of last February, and to take, conjointly with the whole of my Royal Family, and the People and Troops of this Capital, a solemn Oath, to observe, maintain and keep, in this and all the other Kingdoms and Dominions of my Monarchy, the said Constitution, such as it shall be determined, made and agreed upon, by the above-mentioned General Cortes of the Kingdom: and, moreover, to issue my Orders, to the Governors, Captains General, and Authorities, Civil, Military and Ecclesiastical, in all the other Provinces, to administer a similar Oath to all their Inferiors and Subalterns, as a further means of strengthening and ensuring the said unity and integrity of the Monarchy.

But as the first and most essential condition of this social Compact, thus received and sworn to by the whole Nation, is that the Sovereign should fix his residence in that city, where the Cortes assemble, in order that the Laws, immediately after their discussion, may be presented to him, and receive, without delay, his indispensable sanction, — that scrupulous piety which behoves me to fulfil even more than the most arduous duties which have devolved upon me, by the Oath I have taken, enjoins that I, for the general good of my People, should make one of the most painful sacrifices of which my paternal and Royal heart is capable, by my separation a second time from Subjects, the recollection of whom will always be to me a source of anxiety, and whose prosperity, wherever I may be, will never cease to be one of the most assiduous cares of my paternal Government.

It was, therefore, fitting, that I, in fulfilment of the duty which Providence imposes upon me, of sacrificing every thing for the happiness of the Nation, should resolve, as I have now done, to transfer once more my Court to the City of Lisbon, the ancient Seat and original Cradle of the Monarchy; to the end that I may there co-operate with the Deputies, Representatives of my People, in the glorious under-

taking of restoring the valiant Portuguese Nation to that high degree of splendour, by which it so much distinguished itself in former times; leaving in this residence my much beloved and valued Son, The Prince Royal of the United Kingdom, with the charge of the Provisional Government of Brazil, until the General Constitution of the Nation shall have been established.

And in order that my People of this my Kingdom of Brazil may previously participate in the advantages of a National Representation, by sending to the General Cortes of the United Kingdom a proportionate number of Representative Deputies, I have given, in another Decree, of the same date as the present, precise directions that, from this moment, the Election of the said Deputies, in the same form as the Regulations which have been adopted for that purpose in the Kingdom of Portugal, may be commenced in all the Provinces. The Deputies who may be successively named in this Province, shall come without delay to this Capital, in order that those who arrive before my departure from the Kingdom, may accompany me: the means having already been provided for the conveyance of those, who, subsequently to that period, may arrive from the Northern Provinces, and have to make the Voyage to their future destination.

Palace of Rio de Janeiro, 7th March, 1821.

With the Signature of His Majesty.

109. Manifesto of His Royal Highness the Constitutional Prince Regent and Perpetual Defender of the Kingdom of Brazil, to the People of that Kingdom

[Palace of Rio de Janeiro, August 1, 1822. *The Annual Register*, LXIV, 599–606.]

The Brazilian members in the Côrtes had warned their colleagues and the government in Lisbon of the dangers ahead of them in Brazil, but the majority of the members paid no attention to them. Prince Pedro had announced in January, 1822, that he would remain in Brazil. The Portuguese members of the Côrtes merely forged ahead with measures which meant subjugation, commercially and politically, for Brazil. The king sent a squadron to Rio de Janeiro to bring the Prince back to

Portugal. But he refused to leave Brazil; and on May 13, 1822, he assumed the title of "Perpetual Defender and Protector of Brazil." In June of the same year the Côrtes was informed that Brazil must have her own legislative body. At the same time the prince regent issued writs for a constituent assembly. The Côrtes strengthened the garrison at Bahia, and the people of that city retaliated by attacking the Portuguese troops. The people of Pernambuco expelled their garrison and informed the prince regent of their allegiance to him. It was under these circumstances that the following manifesto was issued:

Brazilians! — The time for deceiving mankind is past. Governments, which would still found their power upon the pretended ignorance of the people, or upon antiquated errors and abuses, are destined to see the colossus of their greatness fall from the fragile basis on which it had been erected. It is in consequence of not attending to this principle, that the Cortes of Lisbon have forced the provinces of the south of Brazil to throw off the yoke prepared for them. It is in consequence of being duly impressed with it, that I now see all Brazil united around me, calling upon me to defend its rights and maintain its liberty and independence. I comply, Brazilians, while I declare to you the truth. Listen to me!

The congress of Lisbon, arrogating to itself the tyrannical right of imposing on Brazil a new compact — an article of faith, signed under a partial and prospective oath, and which could in no way involve the approval of self-destruction — has compelled us to examine the pretended titles which are set up, and to investigate the injustice of such unreasonable pretensions. This examination, which insulted reason counselled and required, has proved to the Brazilians that Portugal, in overthrowing all established forms — in changing all the ancient and respectable institutions of the monarchy — in passing the sponge of moral oblivion over all her relations, and in re-constituting herself anew, cannot compel us to accept a dishonourable and degrading system, without violating those very principles on which she has founded her revolution and the right of changing her political institutions, without destroying those bases upon which her own rights, the inalienable rights of man, are founded, without opposing the progress

of reason and justice, which has its laws in the nature of things, and never in the individual caprices of men.

The southern provinces of Brazil having, therefore, united and assumed the majestic attitude of a people recognizing their right to liberty and happiness, have turned their eyes towards me, the son of their king and their friend, who, regarding in its true point of view this rich and great portion of our globe, who, knowing the talents of its inhabitants, and the immense resources of its soil, sees with pain the irregular and tyrannical course of those who so falsely and prematurely have named themselves the fathers of the country, and have attempted to change their character of representatives of the people of Portugal into that of sovereigns of all the immense Portuguese monarchy. I have consequently considered that it would be unworthy of me and of the great king whose son and delegate I am, to disregard the wishes of his faithful subjects, who, repressing republican desires and propensities, avoid the fascinating example of neighbouring states, and deposit in me all their hopes; in this way royalty is preserved in the great American continent, and the rights of the august House of Braganza are acknowledged.

I have acceded to the generous and sincere wishes of this people, and have remained in Brazil, making known my firm resolution to our king, and being persuaded that this step would be to the Cortes of Lisbon the thermometer of the disposition of Brazil, of its sense of its own dignity, and of the new elevation of its sentiments. I hoped, also, that this proceeding would make the Cortes stop in the career which they had commenced, and return to the paths of justice, from which they had departed. This, reason dictated; but the giddy views of egotism stifle its voice and its precepts. The indignation of the United Provinces was then, as might be expected, roused, and in a moment, as if by magic, all their ideas and sentiments converged to one single point and to one sole end. Without the din of arms, and without the cries of anarchy, they calmly required of me that I should, as a guarantee of their precious liberty and national honour, cause the prompt installation of a general, constituent, and legislative assembly for Brazil. I was desirous to delay the period of the meeting of this assembly, in order to see whether the pride of the Cortes of Lisbon would yield to the voice of reason and justice, and to a sense of their own interest; but the order made and transmitted by them to the

Portuguese consuls, prohibiting the forwarding of arms and ammunition for Brazil, was a signal of war and an actual commencement of hostilities.

This kingdom accordingly required, that as I had declared myself its perpetual defender, I should proceed to take the most energetic and prompt measures for its security, honour, and prosperity. If I had failed in my resolution, then would my sacred promises have been on the one hand broken; and on the other, who could have restrained the evils of anarchy, the dismemberment of these provinces, and all the furies of democracy? What violent contests would follow, between inveterate parties, between thousands of successively rising and conflicting factions? To whom would then belong the gold and the diamonds of our inexhaustible mines, — those rich rivers which form the strength of our states, that prodigious fertility which is the great source of riches and prosperity? Who would reconcile so many opposing parties? Who would civilize our scattered population, separated by numerous rivers as large as seas? Who would then communicate with our Indians in the centre of their impenetrable forests, or behind high and inaccessible mountains? Brazil, this fine portion of nature's workmanship, the envy and admiration of the nations of the world, would indeed be lacerated, and the benevolent views of Providence would be defeated — at least for many years retarded.

I should be responsible for all these evils, for the blood which would be shed, for the victims which would infallibly be sacrificed to passions and to private interests. I have therefore formed my resolution — I have adopted the course which the people wished, and I have ordered the convocation of the Assembly of Brazil, in order to cement the political independence of the kingdom, without breaking the ties of Portuguese fraternity. Thus may the different parts of the united kingdom of Portugal, Brazil, and Algarve, justly and decorously harmonize; and thus may be preserved under one chief, two families which are separated by immense seas, and which can alone be retained in union by the bonds founded on an equality of rights and a reciprocity of interests.

Brazilians! — On your account, it is not necessary to revert to the evils to which you were subject, and which occasioned the representation made to me by the magistracy and people of this city on the 23d of May, and gave rise to my royal decree of the 3d of June of the

present year; but the respect we owe to mankind requires that we should state the reasons which led to your first proceedings, and to my conduct. The history of the acts of the congress of Lisbon with respect to Brazil, presents a series of unjust and unreasonable proceedings, the objects of which were to paralyze the prosperity of Brazil, to consume the vital principle of the country, and to reduce her to a state of inanity and feebleness which would infallibly lead to her ruin and subjugation. To convince the world of the truth of this assertion, it is only necessary to enter into the simple exposition of the following facts:

The congress of Lisbon legislated on the affairs of Brazil without waiting for her representatives, thus setting aside the sovereignty of the majority of the nation.

That congress denied to Brazil a delegation of the executive power, so necessary for the development of its full force, considering the great distance which separates Portugal from Brazil, thus leaving the latter without laws suited to her climate and local circumstances, and without prompt resources for her necessities.

The congress refused to Brazil a centre of union and power, for the purpose of enfeebling her, previously inciting her provinces to set aside that centre of union which was alreadily happily established.

Governments were decreed to Brazil void of stability and union, with three insubordinate, rival, and contradictory centres of activity, thus destroying the rank of Brazil as a kingdom, and undermining the basis of her future greatness and prosperity, and leaving her all the elements of disorder and anarchy.

The Brazilians were excluded from all honourable posts, and your cities were filled with European troops commanded by foreign, cruel, and immoral chiefs.

Enthusiastic reception and lavish encomiums were given to all the barbarians who inflicted painful wounds on your hearts, and promised to continue to lacerate them. Rapacious hands were laid on the resources of the bank of Brazil, which was surcharged with an enormous national debt, of which the congress took no heed, though the credit of that Bank was closely connected with the public credit and prosperity of Brazil.

Negotiations were entered into with foreign nations for alienating portions of your territory for the purpose of enfeebling and subjugating you.

Your fortresses were disarmed, your arsenals stripped, your ports left defenceless, and your whole navy called to the ports of Portugal; your treasuries were drained by repeated plunders for the payment of foreign troops, who came uninvited to shed your blood and destroy you; while, at the same time, you were prohibited the use of foreign arms and ammunition, by which you might revenge yourselves and assert your independence.

You were presented with a project of commercial relations, which, under false appearances of chimerical reciprocity and equality, monopolized your riches, closed your ports against foreign trade, thus destroying your agriculture and industry, and reducing the inhabitants of Brazil to the state of colonists.

The Brazilian representatives were from the first treated, and still are treated, with indignity and contempt, when they have the courage to contend for their rights; and — who would believe it? — threats have been held out of emancipating the slaves, and arming them against their own masters.

Finally, to close this long narrative of horrible acts of injustice, when, for the first time, the congress heard the expressions of your just indignation, they loaded the Brazilians with insult, and sought to vindicate their own crimes by alleging that they had been committed by your concurrence and consent.

The delegation of the executive power, which the congress rejected as anti-constitutional, is now offered to us by a commission from that congress, and with such liberality, that instead of a centre of the same power, which was all that you required, it is wished to concede to you two or more. What unheard-of generosity! But who is so blind as not to perceive that the sole object of this proposition is, to destroy your power and integrity, to arm provinces against provinces, and brothers against brothers?

We agree, then, generous inhabitants of this vast and powerful empire, that the great step of your independence and happiness, so often foretold by the great politicians of Europe, is now attained. You are now a sovereign people; you have now entered into the society of independent nations, to which you possess a rightful claim. The honour and dignity of the nation, the desire of her prosperity, the voice of nature herself, require that the colonies should cease to be colonies when they have attained to their virility, and that, though

treated as colonies, you shall no longer be so in reality, but shall continue to remain a kingdom. Finally, the same right which Portugal had to set aside her ancient institutions, and to re-constitute herself, that right should with more reason belong to you, who inhabit a vast and extensive country, with a population larger, though more scattered, than that of Portugal, and which will go on increasing with the same rapidity which distinguishes the fall of heavy bodies through the air. If Portugal deny you this right, she herself renounces the right which she may plead in order to obtain the recognition of her new constitution by foreign nations, who would, in that case, have it in their power to allege just motives for interfering with her domestic affairs, and violating the attributes of the sovereignty and independence of nations.

What then remains for you to do, Brazilians? — It remains for you to unite yourselves all in interests, in love, in hopes; to establish the august assembly of Brazil in the exercise of its functions, in order that in holding by the helm of reason and prudence, it may succeed in avoiding the rocks which are so unfortunately presented in the sea of revolution by France, Spain, and even Portugal herself; and in order that it may mark with greater precision and wisdom the division of the powers, and establishing the code of your legislation in sound philosophy, may apply it to your peculiar circumstances.

Doubt it not, Brazilians! Your representatives occupied, not in overcoming opposition, but in establishing rights, will maintain yours which have been trampled under foot and unknown for three centuries: they will consecrate the true principles of the Brazilian representative monarchy: they will declare king of this beautiful country Senhor D. João VI., my august father, of whose love you are entirely possessed: they will cut off all the heads of the hydras of anarchy and despotism: they will impose on all the public officers the necessary responsibility; and the just and legitimate will of the nation will never more behold its majestic flight interrupted for a single instant.

Firm in the invariable principle of never sanctioning abuses, from which new ones are constantly arising, your representatives will spread light and new order throughout the dark chaos of the public property, of the economical administration, and of the civil and criminal laws. They will have the courage to believe that ideas which are useful and necessary to the welfare of our species, are not

destined solely to adorn the pages of books, and that the perfectibility granted to man by the Supreme Creator should never meet with opposition, but should concur towards the social order and happiness of nations.

They will give you a code of laws adequate to the nature of your local circumstances, of your population, interests, and relations, the execution of which will be confided to upright judges, will administer gratuitous justice, and will cause to disappear all the pettyfogging cavils of your forum, founded on ancient, ridiculous, complicated and contradictory laws. They will give you a penal code dictated by reason and humanity, in place of those sanguinary and absurd laws of which you have hitherto been the suffering victims. You will have a system of imposts which will respect the labours of agriculture, the works of industry, the dangers of navigation, and the freedom of trade; a clear and harmonious system, which will facilitate the purchase and circulation of stock, and remove the hundred mysterious keys which locked the obscure labyrinth of the finances, and which never allowed the citizens to understand the rate of the sale of the national funds.

Brave soldiers, you shall possess also a military code, which, forming an army of disciplined citizens, shall unite the valour which defends the country with the civic virtues which protect and secure her.

Cultivators of literature and science, almost always abhorred or despised by despotism, you will now find the road to honour and glory open and disembarrassed. Virtue and merit will be seen in conjunction to adorn the sanctuary of the country, while intrigue will no longer close the avenues of the throne, hitherto open only to hypocrisy and deceit.

Citizens of every class, Brazilian youth, you shall have a national code of public instruction, which shall cultivate and cherish the talents of this blessed climate, and will place our constitution under the safeguard of future generations, transmitting to the whole nation a liberal education, which will communicate to its members the instruction necessary for promoting the happiness of the great Brazilian whole.

Behold, inhabitants of Brazil! Behold the perspective of glory and of greatness which presents itself: be not terrified with the defects of your present situation; the torrent of civilization has already begun to pour impetuously from the deserts of California to the straits of

Magalhaes. Constitution and legal liberty are the inexhaustible sources of prodigies, and will form the bridge over which all that is good in old and convulsed Europe will pass to our continent. Fear not the foreign nations: Europe, which recognized the independence of the United States of America, and which remained neutral in the struggle of the Spanish colonies, cannot fail to recognize the independence of Brazil, which, with so much justice, and after such expedients and resources, has also succeeded in entering into the great family of nations. We shall never involve ourselves in their private affairs; and they in their turn will never seek to disturb the peace and free trade which we shall offer them, and which will be guaranteed by a representative government, which we are about to establish.

Let no other cry be heard among you but that of union. From the Amazon to the Plata let *independence* be the only echo. Let our provinces form the mysterious faggot which no force can break. Let all old prejudices at once disappear, and let the love of the general good be substituted for that of any one province or city. Disregard, Brazilians, the obscure blasphemers who utter against you, against me, and against our liberal system, insults, calumnies, and abuse: remember that when they praised you, Brazil was lost. Let them say that we are rising against Portugal, against the mother-country, against our benefactors, while we, preserving our rights, punishing by our laws, and consolidating our liberty, seek to save Portugal from a new class of tyrants.

Let them cease to call us rebels to our king. He knows that we love him as a citizen king, and that we wish to rescue him from the shameful state of captivity to which they have reduced him, tearing from infamous demagogues the mask of hypocrisy, and marking with true liberalism the just limits of political powers. Let them cease to seek to persuade the world that we are endeavouring to break all the ties of union with our European brethren. No, we would establish that union on solid bases, free from the influence of a party which shamefully contemns our rights, and which has in numerous instances openly shown its tyrannical and overbearing disposition, by acts tending to our dishonour and prejudice, which weakens and irretrievably destroys that moral force so necessary in a congress, and which depends entirely for its support on public opinion and justice.

Illustrious Bahians! Generous and unfortunate portion of Brazil, on whose soil have fastened those hungry and pestiferous harpies, how

much does your destiny grieve me! How long an interval will it not require to dry up your tears and soften your indignation! Bahians! Courage is your device! Expel from your bosoms those monsters who feed on your blood! Fear not! Your delay is their strength. They are no longer Portuguese. Expel them, and unite yourselves to us, who open our arms to receive you.

Valiant Mineirans! Intrepid Pernambucans! Defenders of Brazilian liberty, fly to succour your brethren. It is not the cause of one province, it is the cause of all Brazil, which is defended in the first discovery of Cabral. Extinguish this nest of wolves which still sustain the sanguinary caprices of the factious party. Call to your recollection, Pernambucans, the burning piles of Bonito and the scenes of the Recife. Spare, however, and love as brothers, all pacific Portuguese who respect our rights, and wish for our and their own felicity.

Inhabitants of the Ceara, of the Maranham, of the rich Para, all you of the beautiful and fertile provinces of the north! come and subscribe the act of our emancipation, in order that we may immediately take our place (and time it is so to do) in the great political association. Brazilians in general! Friends, let us all unite. I am your compatriot, your defender. Let us aim at the glory and prosperity of Brazil, as the only reward of our labours. While marching by this path, you will always find me at your head, and in the place of the greatest danger. Be assured that my happiness depends upon yours. It will be my glory to govern a brave and free people. Give me, then, the example of your virtue and your union. Be worthy of yourselves.

Palace of Rio de Janeiro,
Aug. 1, 1822.

DECREE

Whereas the dignity and authority of regent of this vast empire, conferred on me by the king my father, has been confirmed to me by the unanimous and spontaneous consent of the people of Brazil — a dignity, of which, it is notorious, the Cortes of Lisbon dared to attempt to deprive me without hearing all the deputies from Brazil. And whereas, I have besides accepted the title and office of perpetual defender of the kingdom, which the said people have most generously and loyally conferred upon me. I thereby consider myself bound, in discharge of my most sacred duties, and in gratitude for so much love and fidelity, to adopt all those means which are indispensable for the

salvation of this great part of the Portuguese monarchy which has been intrusted to my care, and the rights of which I have sworn to preserve uninfringed: and as the Cortes of Lisbon continue to pursue the same erroneous system, and to entertain all the unjust views of recolonizing Brazil, even by force of arms — notwithstanding that Brazil has proclaimed her political independence, and that by my royal decree of the 3d of June last passed, there stands legally convoked a general constituent and legislative assembly, called at the request of the councils of all the different magistracies, thus proceeding with a formality which was wanting in Portugal, since there the convocation of the congress was in its origin solely the work of secret and seditious clubs: and considering also his majesty don João VI, our lord, whose name and authority the Cortes for their own sinister ends pretend to employ, as a prisoner in the said kingdom of Portugal, deprived of his own free will, and without that liberty of action which belongs to the executive power in constitutional monarchies, I, after having heard my council of state, order to all the provisional governing juntas, generals of armies, military commandants, and all constituted authorities, to whom the execution of this decree appertains, what follows:

1. That all troops which, without my previous consent, may come from Portugal or any other quarter, whatever be the pretext for sending them, shall be considered enemies; as shall also all the crews or marines belonging to ships in which the said troops may be transported, if they attempt to land: the commercial and friendly relations being, however, left open between the two kingdoms, for the preservation of that political union which it is so desirable to maintain.

2. That if they should arrive with peaceful intentions, they must nevertheless return, and besides must remain on board without communication, until they receive the supplies necessary for their voyage back.

3. That in case the said troops should be unwilling to obey these orders, and should attempt to land, they are to be repulsed by force of arms, by all the military corps of the first and second line, and even by the people in mass. For this purpose all practicable means are to be resorted to. If necessary, the vessels are to be burnt, and the boats used for disembarkation burnt.

4. That if, notwithstanding all such efforts, troops should succeed

in effecting a disembarkation in any port, or on any part of the coast of Brazil, the inhabitants, on finding that they cannot prevent the landing, shall retire into the heart of the country, carrying to the woods and mountains all the cattle and provisions, and whatever might be useful to the invaders; and the troops of the country, avoiding, on all occasions, general actions, shall carry on against them a sharp war of posts and guerillas, until they succeed in freeing themselves from such enemies.

5. That all civil and military authorities, to whom the duty belongs, are from this time forward bound, on their most rigid responsibility, to fortify all the ports of Brazil in which disembarkations may possibly be effected.

6. That if in any of the provinces of Brazil there should happen to be a deficiency of the ammunition and arms required for the fortifications, the authorities above referred to shall immediately make a representation to this government of what may be wanting, in order that the same shall be supplied; or shall give notice to the adjoining province, which shall be held bound to afford aid towards the fulfilment of such important duties.

The civil and military authorities whose jurisdictions extend to the provisions of this decree, shall execute, and cause the same to be executed, with the greatest zeal, energy, and expedition, under the responsibility of rendering themselves guilty of high treason if they neglect so to fulfil it.

THE PRINCE REGENT

Palace of Rio de Janeiro,
Aug. 1, 1822.

(Countersigned) LUIZ PEREIRA DA NOBREGA DE SOUZA COUTINHO

110. ADDRESS OF THE GENERAL EXTRAORDINARY AND CONSTITUENT CÔRTES OF THE PORTUGUESE NATION TO THE PEOPLE OF BRAZIL, ON THE NEW CONSTITUTION OF THE MONARCHY

[Lisbon, August 17, 1822. *British and Foreign State Papers*, IX, 807–811. Published by the British Foreign Office.]

The action of the Côrtes came too late and was not of a nature that could have conciliated the Brazilians. The movement for independence had already begun to take definite form,

and little hope was entertained for a continued union with Portugal. On September 7, 1822, on the banks of the Ypiranga, — a stream a short distance from the city of São Paulo, — the prince regent declared in favor of complete independence. On October 12 of the same year he was solemnly crowned in the Cathedral of Rio de Janeiro "Emperor and Perpetual Defender of Brazil." Independence from the mother country had thus been achieved without bloodshed, a fact of which the Brazilian people are justly proud.

To establish and to consolidate the Monarchy in both Hemispheres, is the constant object of the Cortes, and the ardent desire of all good Portuguese. To strengthen, by indissoluble ties, the union of two brotherly Nations, though separated by so great a space, is the difficult problem, which can only be solved by means of a thorough conviction, and a frank declaration, of what our circumstances loudly require. Let us not, therefore, spend in useless disputes and reciprocal recriminations, that time which we ought to employ in maintaining the integrity of so vast an Empire, whose greatness and solidity depend upon a well adjusted and permanent Union.

Brazilians! Your European Brethren do not oppose, nor do even the Cortes deny, the natural right which belongs to you, to constitute yourselves Independent, and to select the system of Government which is most agreeable to you; this the Cortes expressly recognized, when they proposed to you the Fundamental Law, as the basis of the Constitution, in order that you might declare whether you wished to form with us, under its conditions, the same Society, and the same Empire. If, in consequence of time and distance, your Representatives could not co-operate in the framing of this Law, you, nevertheless, have since adopted it; you have sworn to it, and the voices of all the Political Assemblies in Brazil re-echoed in the Halls of this Building, amidst the greatest applause and the liveliest enthusiasm. It was then notorious to the whole World, that, far from adopting an unconditional submission, you had recognized and sworn to the basis of the Constitution of the Portuguese Monarchy, and had proclaimed your Union with Portugal, in the most solemn and spontaneous manner, and that under the political system, and the conditions of Government, therein determined.

The essential principles of our original Political Charter have not been altered by the Constitution; they have only been better developed and expounded. They consist, generally speaking, of the division of the Political Powers; — one single Chamber of Representatives, with Legislative Power, assembling once in each Year; — an inviolable King, with responsible Ministers; — the Liberty of the Press; — the Right of Petition. These are the first guarantees of the Political and Civil Liberty of the People of Portugal and of the People of Brazil; a liberty, Brazilians, which is one and the same, as well for you, as for your European Brethren, since it is equally valuable and efficacious to both; nor does the Constitution allow to one what it refuses to the other; those who tell you to the contrary, wish only to gratify ambitious passions, by alienating your minds, in order to compromise your security, and to draw down upon you all the horrors of anarchy and Civil War; they are evil disposed Persons, who stigmatize every species of authority, for the purpose solely of ascending to the summit of power and wealth, without regarding the mischief and desolation they may occasion. Let, therefore, all illusion, which may yet possess some minds, disappear at once.

Brazilians! When the Cortes displayed to your sight the Standard of Liberty, and invited you to rally with them under it, they certainly did not contemplate the retaining you in the abject state of Colonial dependence; when they offered to you the same Constitution, the same liberty and the same guarantees, it certainly was not for the purpose of making you Slaves. It would indeed be a singular mode of reducing to a colonial condition, and of enslaving a People, by recognizing the rights, of which they had been deprived, and the privileges which they had never fully enjoyed. As if Civil and Political Liberty were some abstract speculation, beyond the reach of ordinary understandings, a Faction of disorganizers have endeavoured to persuade you, that it would be inconsistent with that liberty, to continue the Provincial Juntas, although they have been established by the Elections of the People; to abolish the Tribunals, which are notoriously useless and a heavy charge; to withdraw from America the Heir of the Crown, when political reasons called him to the foot of the Throne, and when you had manifested an unwillingness to obey him. This Faction of ambitious men, enemies of the publick tranquillity, have advanced, and

have circulated in the South of Brazil, such ill-founded pretexts; they at first alleged, that the Cortes had no power to legislate for Brazil; they afterwards alleged that there was injustice in their Legislative measures; and they have, at last, declared their formal disobedience and meditate revolt; — whereas the Legislative Authority of the Cortes had its basis in the will of the People, who have adopted, sworn to, and recognized that authority; — the justice of the Legislation was founded, both in the nature of things, and in the will of the same People, which had been previously and expressly declared; — and, finally, partial resistance has become the very crime of Rebellion, which is always the forerunner of anarchy, and ought to be punished in every well organized Society.

The Cortes, being aware that this revolt is merely the work of a few Individuals who have signed a certain Document, have decreed that these Rebels shall be prosecuted. The Cortes respect the general will of all Brazil, and they know that the general will of a People is the vehicle and organ of all prudent Legislation; but they know, at the same time, that the general will of all Brazil is to adopt, under the same conditions, the same system of Government, uniting itself to Portugal by an indissoluble tie, and they also know, that these disorganizing attempts at partial resistance are merely the ramification of the Factions of the South. In order to prevent the consequences of these and other turbulent proceedings, obnoxious to liberty and contrary to the general opinion of the People of Brazil, the Cortes have determined, that the Executive shall be authorized to send Troops to that Continent. A new pretext for the Factions! — but as groundless as their former pretexts. This measure, in the terms in which the Cortes have adopted it, (who of you, Brazilians, does not perceive) is calculated to serve the purpose of suppressing dangerous Parties, but is certainly inadequate to make conquests or to maintain tyranny; this consideration alone is sufficient to free it from every appearance of hostility. The Cortes, however, having taken into consideration the degree to which the prejudice between the Europeans and Natives has been carried in Brazil, and how much is to be apprehended from the excesses of a popular frenzy, which the Troops of the Country might not be able to restrain, have deemed it necessary to protect the real and personal property of a great number of Citizens. How could so

great a mass of interests and opinions be indifferent to them? No other motive has influenced this determination of the Cortes.

Brazilians! The resolutions of the Cortes and of the Government, whose authority you have recognized and sworn to, have not exceeded either the principles of universal justice, or the maxims of good government, in the Laws and Orders which they have addressed to you. Do not, therefore, lend yourselves to the intrigues of a Party, which endeavours to persuade you to the contrary, because it desires only to distract and to ruin you. Reflect within yourselves; reflect upon your former condition, and upon the political consideration to which the Constitution elevates you; examine attentively what these violators of the most solemn oaths attempt to insinuate, and you will find that some want the excess of liberty, by proclaiming a democratick Independence, and that others want the excess of servitude, by opening a road to absolute power and to the privileges of an aristocracy. The Cortes on the contrary, offer you the Constitutional Monarchy, as a middle term between these two dangerous extremes, and as the plank of your political salvation: they extend a helping hand to you, and render it unnecessary for you to undertake the arduous and hazardous task of establishing a Government entirely new. Your Representatives co-operate with activity and wisdom, in making to the Constitution such additions, as may be consistent with the unity of Power, and of the Empire, and as may contribute towards the general and immediate benefit of the Nation. You will possess the most absolute Independence in the exercise of the Judicial Power; — Courts of Justice, inconveniently situated, cannot properly administer justice. And you will not be without an Authority, delegated by the King, which may in the distribution of Offices and Rewards, place you more within the reach of the intervention of the Royal Power.

Brazilians! The act of adopting or of rejecting a system of Government, is a compromise; let us then weigh the inconveniences; we must give and take; we must renounce some rights, the better to enjoy others, and, as we sacrifice our natural liberty, in order to enjoy with more security the advantages of civil society, so we must sacrifice a part of the civil advantages to the superior utility of the union of a great Empire. Although the seas be agitated and months may pass away, although an ocean of 1,500 leagues may interpose both space and time between the Law and the execution of it, yet the sphere of human

ingenuity is not so circumscribed, but that the wisdom of our Institutions may unite what nature has separated; and, even if some inconveniences should remain, they will be amply compensated by avoiding the horrors of anarchy and the vexations of absolute Power. All this was well weighed by you, at the time of your adhering and swearing to the basis of the Constitution.

Brazilians, do not then violate such solemn and just engagements. Exercise your political power, by sending wise Representatives to the Cortes of the Nation; their personal inconvenience will not be of great weight, if you compare it with the importance of the Union: enjoy the blessings of liberty; — the protection of the Government secures to you all the advantages of society.

The Cortes do not pretend to maintain the Union of Portugal with Brazil by means of Arms; force is a weak instrument for retaining in a subordinate and unprofitable condition, a People, who are enterprizing, numerous, increasing, and jealous of their liberty.

Our Union, Brazilians, depends solely upon the affections and interests produced by reciprocal advantages; — by the ties of friendship and blood, by equal Laws, and by equal protection. The title deed of your Rights is the Constitution: — it will shortly be transmitted to you with the necessary additions. After you shall have perused it, no one will attempt to persuade you into the extravagant and delirious belief, that those who wish to constitute you a Free People, desire to reduce you to Colonists and Slaves: and if this frank and sincere declaration be not capable of removing all causes of discord, and of re-establishing your former unsuspecting confidence, the Cortes, lamenting your blindness and delusion, will, at least, remain satisfied with having followed the dictates of their conscience, by making known their principles and manifesting their intentions.

Palace of the Cortes, Lisbon, August 17, 1822.

AGOSTINHO JOSE FREIRE, *President*
FRANCISCO XAVIER SOARES DE ANDRADE,
Deputy Secretary
JOAO BAPTISTE FELGUEIRAS,
Deputy Secretary

111. Proclamation of Dom Pedro I to the Inhabitants of Minas Geraes

[Ouro Preto, February 22, 1831. John Armitage, *The History of Brazil* (1836), II, 109–110. Published by Smith, Elder and Company, London.]

The many arbitrary acts of Dom Pedro I, beginning with the forceful dissolution of the Constituent Assembly of 1823 and the arrest and exile of the Andradas and other liberal leaders, had made imperative the formation of a parliamentary party. The demand for changes in the constitution grew increasingly stronger until it became the main issue of the hour. The work of the press in the crisis was of great importance. "It is not criminal," declared Evaristo Ferreira de Veiga in an editorial in the *Aurora Fluminense*, "to propose alterations in the Constitution." "Human institutions are not eternal. In proportion as the ideas, habits, and interests of a people change, their laws, and their social and political organization ought also to be modified, and our Constitution has pointed out the means for obtaining this result in fit time. . . ." [1] Several events occurred in Europe and in Brazil in 1830 that greatly aggravated the whole struggle between the Conservative and Liberal parties. The murder of Badaro, a newspaper man, in November, 1830, and the news of the July revolution in France, were the most important of these. The return from exile of the Andradas had brought upon the stage the necessary leadership. In order to determine the state of affairs in the provinces and, if possible, to get the upper hand in the struggle in Rio de Janeiro, the emperor, accompanied by the empress, Minister Maia, and a numerous suite, left Rio de Janeiro on December 30, 1830, for a state visit to Ouro Preto, capital of Minas Geraes. It was while in that city that he issued the following proclamation. The emperor was unsuccessful. He was coldly received; and the proclamation, instead of strengthening his position in support of the conservative forces, had the effect of aggravating the ill-

[1] Armitage, *The History of Brazil*, II, 97–98.

feeling toward him and of consolidating the liberal forces. The final result is briefly explained in the introductory note of the next document.

Inhabitants of Minas.

This is the second time I have had the pleasure to find myself amongst you; this is the second time that the love which I consecrate to Brazil has conducted me hither.

Inhabitants of Minas, — I will not address you alone, for the interest is general; I speak, therefore, to all Brazilians. There exists a disorganizing party, who, availing themselves of the peculiar circumstances of France, strive to illude you with invective against my inviolable and sacred person, and against the Government, for the purpose of enacting in Brazil scenes of horror and misery that may enable them to arrive at power, and to satiate their vengeance and their egotistical passions at the expense of their country.

They write without restraint, and excite the people to federation, thinking to screen themselves with Article 174[1] of the Fundamental Code, an article which permits of no change in the essential part of the said law.

Can there be a more direct attack on the constitution which we have sworn to defend and to sustain, than thus to propose altering it in its essence? Will not this be a manifest attack on the solemn oath which we have made to it before the altar? Dear Brazilians! I speak to you now not as your Emperor, but as your cordial friend. Do not be illuded by pernicious and seductive doctrines. They can only concur to your ruin, and to that of Brazil, and never to the general felicity. Aid me then to sustain the Constitution such as it exists, and such as we have sworn to it. I shall rely on you, and I hope that you will also rely on me.

Imperial City of Ouro Preto, 22d February 1831.

[1] Article 174 of the constitution of the Empire of Brazil, approved by Dom Pedro I on March 25, 1824, reads: "If four years or more after the constitution of Brazil has been duly sworn to, it is apparent that any of its articles need amendment, the proposal shall be made in writing, originating in the chamber of deputies, and supported by a third of their number." — H. G. JAMES, *The Constitutional System of Brazil* (1923), 250.

112. Proclamation of the Brazilian Assembly (after the Abdication of Dom Pedro I)

[April 8, 1831. John Armitage, *The History of Brazil,* . . . (1836), II, 292–297. Published by Smith, Elder and Company, London.]

The emperor, Dom Pedro I, who had held out stubbornly against the demands for his abdication, finally yielded, and at two o'clock in the morning he wrote his abdication as follows:

"Availing myself of the right which the Constitution concedes to me, I declare, that I have voluntarily abdicated in favour of my dearly beloved and esteemed son, Don Pedro de Alcantara.

"Boa vista, 7th April, 1831, 10th year of the Independence of the Empire."

The emperor dismissed all his ministers except the Marquis de Inhambupe and appointed José Bonifacio de Andrada guardian of his four children. Accompanied by the empress, the queen of Portugal, the Marchioness de Loulé, his sister, and her husband, the Marquis, he took refuge on board the English ship *Warspite.* The personal affairs of the royal family were arranged and after a period of four days the exile began. Dom Pedro I and the empress with their suites sailed in the *Warspite* to a port selected by the unfortunate monarch north of Brest. The queen of Portugal and her suite boarded the French frigate *La Seine* and sailed to a port south of Brest. The following proclamation, drawn up by Evaristo Ferreira de Veiga, and signed by the president and secretary, was issued by the Assembly.

Brazilians! An extraordinary event has set at naught all the calculations of human prudence; a glorious revolution has been effected through the efforts and patriotic union of the people and the troops of Rio de Janeiro, without one single drop of blood being shed; an event altogether unprecedented, and one which does honour at once to your moderation, energy, and the state of civilization at which you are arrived.

Brazilians! An ill-advised Prince, hurried to the precipice by violent

passions and unfortunate anti-national prejudices, has yielded to the force of public opinion thus boldly declared, and has acknowledged that he could no longer be the Emperor of the Brazilians. The audacity of a party which availed itself of his name, the insults that we have suffered from a faction always adverse to Brazil, the treason with which individuals unpopular and regarded as hostile to liberty, were suddenly elevated to the Ministry, placed arms in our hands. The tutelar genius of Brazil, the spontaneous feeling with which the armed force and the people assembled on hearing the voice of the oppressed country, caused our enemies to lose their presence of mind; they trembled, and the struggle was decided without its being necessary to stain our arms with human blood. Don[1] Pedro I. abdicated in favour of his son, to-day, Don Pedro II., Constitutional Emperor of Brazil.

Deprived for some hours of a Government which should put in regular action the springs of the public administration, the first care of your representatives, the members of both Chambers united, was to nominate a Provisional Regency,[2] with the attributes designated by the Constitution. This Regency, whose authority will only remain in force until the meeting of the General Assembly, for the installation of which there are not yet a sufficient number of members, was required immediately by the force of circumstances, and could not be subject to the conditions of Article 124 of the fundamental law of the State, since there was no ministry, and it was impossible, therefore, to satisfy the conditions required in this article.

The persons nominated for this important charge have your confidence, patriots without a stain; they are ardent friends of our liberty; they have not consented that it should suffer the slightest infraction, nor will they make any compacts with the factions which have injured the country. — Fellow citizens! Confide in their care and zeal, but do not on this account slacken your vigilance and efforts. Patriotism and energy can be easily allied with moderation when a people possess the virtue which you have evinced in this formidable enterprise. Courageous in repelling tyranny, in throwing off the yoke which the blackest treason sought to throw upon you, you have shown

[1] Armitage prefers to use this word, although the correct word is Dom.

[2] It was composed of Campos Vergueiro, the Marquis of Caravelas, and General Francisco de Lima e Silva.

yourselves generous after victory, and your adversaries have shrunk before you with fear and shame.

Brazilians! Your conduct has been above all praise; let that detestable faction, which dared to insult us in our homes, behold in our moderation after victory, a further proof of our force. Let the adopted Brazilians who have been seduced by perfidious suggestions, acknowledge that it was the love of liberty and not the thirst after vengeance which armed us. Let them be convinced that their tranquillity, persons, and property will alike be respected, while they obey the laws of the magnanimous nation to which they belong. The Brazilians abominate tyranny, they regard the foreign yoke with horror, but it is not their intention to rule the conquered with an iron hand, nor to avail themselves of their triumph to satisfy feelings of rancour. They have too much nobility of soul for this. As to the traitors who may appear amongst us, Justice and the Law, and these alone, must punish them according to their crimes.

The number of representatives of the nation requisite for the formation of a General Assembly is nearly complete. It is from the Assembly that you must expect the energetic measures which the country calls for instantaneously. Your Delegates will not forget your interests; the country is as dear to them as to you. Brazil, until to-day, oppressed and humiliated by ungrateful individuals, is alike the object of your and their enthusiasm. Those whom Brazil elected by her free choice will not suffer that her glory or her lustre be dimmed. From the 7th of April, 1831, our political existence began, Brazil will henceforward appertain only to the Brazilians, and will be free.

Fellow Citizens! We have now a country, we have now a monarch the symbol of your union and the integrity of the Empire, one who educated among us, can receive almost in the cradle the first lessons of American liberty, and learn to love Brazil, where he first drew breath; the fatal prospect of anarchy and of the dissolution of the provinces has disappeared, and been substituted by a more cheerful scene. All this has been owing to our resolution and patriotism, and to the invincible courage of the Brazilian army, which has belied the insensate dreams of tyranny. It behoves us then, that this great victory be sustained, that you continue to show that you are worthy of yourselves, worthy of that Liberty which rejects all excesses, and to which elevated and noble passions alone are acceptable.

Brazilians! we have no longer to blush in owning this appellation. The independence of our country and its laws will henceforth be a reality. The greatest obstacle which has hitherto been opposed to this, retires from amongst us; he will depart from a country where he has left us civil war, as a return for the throne which we conferred upon him. Everything now depends on ourselves, — on our prudence, moderation, and energy. Let us continue as we have begun, and we shall be regarded with admiration among the most enlightened nations. Viva a Nação Brasileira! Viva a Constitutição! Viva o Imperador Constitucional o Senhor Don Pedro II.!

Bispo Capellão Mor, *Presidente*
Luis Francisco de Paula Cavalcanti d'Albuquerque, *Secretario*

113. Impressions of Dom Pedro II and his Court

[1833? William S. W. Ruschenberger, *Three Years in the Pacific; including Notices of Brazil, Chile, Bolivia, and Peru; by an Officer of the United States Navy* (1834), 50–51. Published by Carey, Lea, & Blanchard, Philadelphia.]

William S. W. Ruschenberger was a careful observer and an intelligent writer of the countries and peoples which he visited. The following description of the boy emperor of Brazil and his court was taken from the *Notices of Brazil.*

. . . . . .

The story of the painting was just concluded, when the right hand door opened, and the ladies and gentlemen of the Brazilian Household entered. Dom Pedro II. was accompanied by his sisters and the regency. The dresses of the members of the court were splendid; that of the young emperor was neat and simple. As they passed through the rooms, every head was bowed in salutation. Presently a flourish of trumpets, followed by a grand march by a full band, proclaimed the opening of the Court. We had all followed into the anteroom. In a few moments the chamberlain informed the *corps diplomatique* that his Imperial Highness was ready to receive them. Those who had resided longest near this court, took precedence, and followed the chamberlain through the left hand door. The American Legation was last. Our Chargé preceded, and the officers followed according to rank, at about three yards from each other. On entering the presence, we all bowed; and again, when half way up to the dais, and repeated the

reverence immediately before his Highness. Then retreating, with our faces towards the throne, and making three bows, we made our exit through the right hand door. This movement in a large room, is far from being graceful; and from the impediment experienced by the clergy, in consequence of wearing long robes, they have been excused from this retrograde step. We halted in the room where the chamberlain had met us, to observe those who were still entering to pay their court to the infant emperor.

The throne room was richly hung with green velvet, sprinkled with gold and silver stars, and the floor was covered with a bright colored carpet, with a centre medallion figure. Dom Pedro II., who bears a striking resemblance to his father, stood upon the dais — an elevation of one step, on which the throne is usually placed — with the regency on his right, and his two younger sisters on his left hand. His large, liquid eyes, wandered from one person to another with an expression of half indifference. His salutations were stiff, and the princesses, who are his seniors [1] (he is not six years old), seemed to suffer a kind of *mauvaise honte*. Ladies and lords, and officers bearing their respective insignia, stood along the walls on either hand. Many of the courtiers were arrayed in rich suits of velvet of antiquated fashion, and wore those decorations of honor which it may have pleased royalty to bestow upon them.

The crowd soon began to move out of the palace towards their carriages. The music continued; conversation was gay; every body wore a holy-day face, and self approbation might be read in every countenance!

114. Darwin on Negro Slavery in Brazil

[1836. Charles Darwin, *Journal of Researches into the Natural History and Geology of the Countries Visited during the Voyage of H. M. S. Beagle round the World, under the Command of Capt. Fitz Roy, R. N.* (1896), 499–500. Reprinted by permission of the publishers, D. Appleton and Company, New York.]

The voyage which Charles Darwin, the famous English scientist, made round the world in the *Beagle*, began at Devonport,

[1] The late empress left five children.

Dona Maria de Gloria, Queen of Portugal,	born	April 4th, 1819.
Dona Januaria, ...	"	March 11th, 1821.
Dona Paulina Mariana, ...	"	February 17th, 1823.
Dona Francisca Carolina, ...	"	August 2d, 1824.
Dom Pedro d'Alcantara, (now Dom Pedro II.)	"	December 2d, 1825.

England, on December 27, 1831. "The object of the expedition," he declared, "was to complete the survey of Patagonia and Tierra del Fuego, commenced under Captain King in 1826 to 1830 — to survey the shores of Chile, Peru, and some islands of the Pacific — and to carry a chain of chronometrical measurements round the world." The voyage came to an end with the return of the *Beagle* to England on October 2, 1836. The route traveled enabled Darwin to visit Brazil, which he did both at the beginning and at the end of the voyage. The following excerpts contain his impressions of negro slavery in the Brazilian empire.

. . . . . .

On the 19th of August (1836) we finally left the shores of Brazil. I thank God, I shall never again visit a slave-country. To this day, if I hear a distant scream, it recalls with painful vividness my feelings, when passing a house near Pernambuco, I heard the most pitiable moans, and could not but suspect that some poor slave was being tortured, yet knew that I was as powerless as a child even to remonstrate. I suspected that these moans were from a tortured slave, for I was told that this was the case in another instance. In Rio de Janeiro I lived opposite to an old lady, who kept screws to crush the fingers of her female slaves. I have staid in a house where a young household mulatto, daily and hourly, was reviled, beaten, and persecuted enough to break the spirit of the lowest animal. I have seen a little boy, six or seven years old, struck thrice with a horse-whip (before I could interfere) on his naked head, for having handed me a glass of water not quite clean; I saw his father tremble at a mere glance from his master's eye. These latter cruelties were witnessed by me in a Spanish colony, in which it has always been said, that slaves are better treated than by the Portuguese, English, or other European nations. I have seen at Rio de Janeiro a powerful negro afraid to ward off a blow directed, as he thought, at his face. I was present when a kind-hearted man was on the point of separating for ever the men, women, and little children of a large number of families who had long lived together. I will not even allude to the many heart-sickening atrocities which I authentically heard of; — nor would I have mentioned the above revolting details, had I not met with several people, so blinded by the constitutional gaiety

of the negro, as to speak of slavery as a tolerable evil. Such people have generally visited at the houses of the upper classes, where the domestic slaves are usually well treated; and they have not, like myself, lived amongst the lower classes. Such enquirers will ask slaves about their condition; they forget that the slave must indeed be dull, who does not calculate on the chance of his answer reaching his master's ears.

It is argued that self-interest will prevent excessive cruelty; as if self-interest protected our domestic animals, which are far less likely than degraded slaves, to stir up the rage of their savage masters. It is an argument long since protested against with noble feeling, and strikingly exemplified, by the ever illustrious Humboldt. It is often attempted to palliate slavery by comparing the state of slaves with our poorer countrymen: if the misery of our poor be caused not by the laws of nature, but by our institutions, great is our sin; but how this bears on slavery, I cannot see; as well might the use of the thumb-screw be defended in one land, by showing that men in another land suffered from some dreadful disease. Those who look tenderly at the slave-owner, and with a cold heart at the slave, never seem to put themselves into the position of the latter; — what a cheerless prospect, with not even a hope of change! picture to yourself the chance, ever hanging over you, of your wife and your little children — those objects which nature urges even the slave to call his own — being torn from you and sold like beasts to the first bidder! And these deeds are done and palliated by men, who profess to love their neighbors as themselves, who believe in God, and pray that his Will be done on earth! It makes one's blood boil, yet heart tremble, to think that we Englishmen and our American descendants, with their boastful cry of liberty, have been and are so guilty: but it is a consolation to reflect, that we at least have made a greater sacrifice, than ever made by any nation, to expiate our sin.

115. Proclamation investing Dom Pedro II with Full Power

[July 23, 1840. *British and Foreign State Papers*, XXIX, 718. Published by the British Foreign Office.]

The reorganized regency in Brazil, with Senator Araujo Lima as regent and with Senhor Bernardo de Vasconcellos as prime

minister, was not considered a strong one. Frequent changes took place in the ministry, and Conservatives and Liberals alike felt that the regency had outlived its usefulness. Dom Pedro II would become of age in 1843. A movement, however, began in 1839 to declare his sister, Princess Januaria, regent. Another and more powerful group favored a movement to declare the emperor of age, permitting him to begin to rule at once. The whole question came up in the Assembly and assumed an important place from the first. It was finally solved by the unconstitutional procedure of declaring the youthful monarch of age on July 23, 1840, without a single dissenting voice. On the same day the emperor appeared before the Senate, where he took the oath of office. The following proclamation, drawn up by Andrada, was issued. The emperor was crowned, July 18, 1841, with much pomp and ceremony in the Cathedral of Rio de Janeiro.

Brazilians!

The General Legislative Assembly of Brazil, recognizing the happy intellectual development of His Imperial Majesty Dom Pedro II, with whom Divine Providence has blessed the empire of Santa Cruz; recognizing likewise the evils inherent in exceptional Governments, and witnessing the unanimous desire of the people of this capital; convinced that this desire is in accordance with that of the whole empire to confer on the same august personage the exercise of the powers which belong to him by the Constitution, have considered it expedient from such weighty motives to declare him of age, in order immediately to enter upon the full exercise of these powers as Constitutional Emperor and perpetual Defender of Brazil. The August Monarch has just taken the solemn oath determined by Article 103 of the Constitution of the Empire.

Brazilians! The hopes of the nation are converted into realities; a new era has dawned: may it be one of union and prosperity: may we be worthy of so great a benefit.

116. Law declaring Slavery abolished in Brazil

[May 13, 1888. *British and Foreign State Papers*, LXXIX, 289. Published by the British Foreign Office.]

The movement in Portugal and Brazil for the abolition of the slave trade was due in large measure to the interest of Great Britain in negro slavery. The relations between these countries were close and cordial; therefore it was to be expected that the larger humanitarian movement which swept over Great Britain in the latter part of the eighteenth century and the early part of the nineteenth would affect these two countries. In 1826 a convention was agreed to between Great Britain and Brazil for the abolition of the traffic in slaves, but not much came of it. In 1830 Dom Pedro I, emperor of Brazil, declared the negro slave trade a species of piracy. The traffic continued, however. In 1845 Great Britain, by the terms of the Aberdeen Act, claimed a right to board and to search any suspected slave-trade craft in Brazilian waters. Finally in 1850, through the efforts of Emperor Dom Pedro II, the negro slave trade was wholly abolished in Brazil. The movement for the emancipation of negroes was begun early in the sixties. In 1866 the question of gradual emancipation was seriously considered, and by 1869 Joaquim Nabuco had virtually succeeded in committing the Liberal party to that cause. The Rio Branco Act of 1871 provided for ultimate emancipation. By this act all the children born after 1871 of slave mothers were to be free, but must remain with the masters of their mothers until twenty-one years of age, or only up to the age of eight if the slave owners wished to accept an indemnity from the state. By 1888 the movement for the emancipation of negroes was strong enough to induce the princess regent, Isabel, to abolish slavery by legislation. The result was the enactment of the law given below. According to the census of 1887 the act liberated seven hundred and twenty thousand slaves, the total value of the slaves freed being estimated at more than two hundred million dollars.

The Princess Imperial Regent, in the name of His Majesty the Emperor Dom Pedro II, makes known to all subjects of the Empire that the General Assembly has decreed, and she has approved, the following Law:

ART. 1. From the date of this Law slavery is declared abolished in Brazil.

ART. 2. All contrary Provisions are revoked.

She orders, therefore, all the authorities to whom belong the knowledge and execution of the said Law to execute it, and cause it to be fully and exactly executed and observed.

The Secretary of State for the Department of Agriculture, Commerce, and Public Works and *ad interim* for Foreign Affairs, Bachelor Rodrigo Augusto da Silva, of the Council of His Majesty, will cause it to be printed, published, and circulated.

Given in the Palace of Rio de Janeiro, May 13, 1888, the 67th year of Independence and of the Empire.

PRINCESS IMPERIAL REGENT

RODRIGO AUGUSTO DA SILVA

117. SPEECH OF THE EMPEROR OF BRAZIL ON CLOSING THE ASSEMBLY IN 1888

[Rio de Janeiro, November 20, 1888. *British and Foreign State Papers*, LXXIX, 1322–1323. Published by the British Foreign Office.]

Dom Pedro II returned in August, 1888, from a three years' visit to Europe. He was the object of honor and great regard by his subjects on his return and for some time afterwards. A large majority of his people appreciated the great work that he had done for Brazil. In the following speech the august monarch presented a brief statement of his European trip and of the conditions of the empire.

August and Most Worthy Representatives of the Nation,

My satisfaction in appearing in this Chamber is to-day the more intense because of my fortune in being enabled to return to the country, and to continue to serve it.

The recollection of the circumstances of my birth, the glorious feats of my august father, the tenderness with which I was treated and educated in childhood and orphanhood, and finally, the constant

affection of Brazilians uniting me to the country, and the manifestations of the 22nd of August, have strongly affected me.

If the conscientious discharge of the performance of my duties needed a new stimulus, I should have found it in that cordial reception by all in and all of Brazil.

Never shall I forget the sympathetic cordiality I met with in those European localities where I sought the reestablishment of my health.

At the same time that I am gladdened by the knowledge of the satisfactory condition of the Empire, for the third time intrusted to the regency of my much loved daughter, the Princess Imperial, I unhappily received the news of the death in Vienna of my grandson, Prince Dom Jose, whom God called to Himself on the 12th August.

The relations of the Empire with foreign nations continue unchanged. Our policy, always just, must lead to the preservation of good relations.

Order and public tranquillity have been maintained, and the guarantees of individual liberty respected. Praise and acknowledgment are due to the authority conceded to the Government for the improved security in the capital of the Empire, through an increase and reorganization of the public force.

We may derive encouragement from the pacific manner in which the transformation of labour was secured by virtue of the Law of the 13th May, the decreeing of which so consoled me in my home-sickness, and alleviated my physical sufferings. Brazil in this act furnished new testimony of its fitness for every moral advance.

The public revenue increases and promises further development; commerce extends its transactions; projects for enterprises designed to the profit of the various branches of industry are multiplying, and notwithstanding foreseen and inevitable local difficulties, employment for natives and foreigners increases.

Let us have faith that the energy of our fellow-citizens, taking advantage of so many and so great resources, will bring us ample compensation for present sacrifices.

The Government, on its part, using the authority and means you have voted, will hasten the settlement of the land questions, will promote facility of transport, and will devote solicitous attention to other needs of agriculture.

Among the measures decreed by you, special reference is due to the Law of Banks of Issue, destined to restrict the circulation of Govern-

ment paper money, and to furnish to industrial activity a proportional elasticity.

I trust that in the following Session you will occupy yourselves with the projects, already presented, relating to "crédit foncier" banks, judicial reform, and the suppression of vagrancy; as well as that you will adopt the improvements requisite for the better practical development of local institutions.

General and professional public instruction, in accordance with present circumstances, demands measures upon which our progress much depends. I trust you will continue to lend to this matter the attention which agricultural instruction and the reform of the Naval Academy merited of you.

Public health, and especially sanitary measures for the capital of the Empire, are recommended to your care. Although the sanitary condition of the interior continues excellent, and that of the coast is favourably modified, it is necessary to persevere in the task of extinguishing such causes of disease as hygiene may be able to effect.

August and most worthy Representatives of the nation,

To your patriotism in the labours of this Session, there will, I hope, correspond during the legislative recess your beneficent influence, to the end that the powerful elements of prosperity granted us by God may be yet more fruitful.

The Session is closed.

PART IV. INTERNATIONAL AMERICAN RELATIONS

THE PANAMA CONGRESS

118. Circular of General Bolívar proposing a Congress at Panama

[Lima, December 7, 1824. *International American Conference. Historical Appendix* (1890), IV, 159–161. Published by the United States Government.]

Simón Bolívar had for many years considered it desirable, through the medium of a conference, or congress, to attempt to unite the different states created out of the Indies. It was not, however, until the end of the year 1824 that the time seemed ripe for such an international Spanish-American assemblage. Bolívar therefore addressed the following circular letter to Señor José S. Carrión, minister of government and of foreign relations of Colombia, proposing the Assembly of Plenipotentiaries at Panama.

Great and Good Friend: After fifteen years of sacrifices devoted to the liberty of America to secure a system of guaranties that in peace and war shall be the shield of our new destiny, it is time the interests and relations uniting the American Republics, formerly Spanish colonies, should have a fundamental basis that shall perpetuate, if possible, those Governments.

To initiate that system, and concentrate the power of this great political body, implies the exercise of a sublime authority, capable of directing the policy of our Governments, whose influence should maintain uniformity of principles, and whose name alone should put an end to our quarrels.

Such a respectable authority can exist only in an assembly of pleni-

potentiaries, appointed by each of our Republics, and called together under the auspices of the victory obtained by our arms over the Spanish power.

Profoundly imbued with these ideas, I invited, in 1822, as President of the Republic of Colombia, the Governments of Mexico, Peru, Chili, and Buenos Ayres to form a confederation, and hold on the Isthmus of Panama, or some other point agreeable to the majority, a congress of plenipotentiaries from each State "that should act as a council in great conflicts, to be appealed to in case of common danger, and be a faithful interpreter of public treaties, when difficulties should arise, and conciliate, in short, all our differences."

On the 6th of June of said year, the Government of Peru concluded a treaty of alliance and confederation with the Colombian plenipotentiary. By said treaty both parties bound themselves to interpose their good offices with the Governments of America lately Spanish, so that, all entering into the same agreement, the general congress of the confederates could be held. A similar treaty with Mexico was concluded on the 3d of October, 1823, by the Colombian envoy to that country; and there are strong reasons for hoping that other Governments will also adopt a policy dictated by their higher interests.

Longer to defer the general Congress of the Plenipotentiaries of the Republics that in fact are already allied awaiting the accession of the others, would be to deprive ourselves of the advantages which that assembly will produce from its very incipiency.

These advantages are largely increased, if we but contemplate the spectacle that the political world, and particularly that of the European continent, presents to us.

A reunion of the plenipotentiaries of Mexico, Colombia, and Peru would be indefinitely delayed, if it should not be brought on by one of the same contracting parties, unless the time and place for the carrying out of this great object be determined by another and a special convention.

Considering the difficulties and delays presented by the distance separating us, together with other grave motives the general interest suggests, determines me to take this step with a view of bringing about an immediate meeting of our plenipotentiaries, while the rest of the Governments may conclude the preliminaries already gone through by us concerning the appointment and commissioning of their representatives.

With respect to the time of the opening of the Congress, I make bold to think that no obstacle can oppose its verification within six months from this date; and I shall also go so far as to flatter myself that the ardent desire animating all Americans to exalt the power of the world of Columbus will diminish the obstacles and delays that the ministerial preparations demand, and the distance separating the capitals of each state and the central point of the meeting. It seems that if the world should have to choose its capital, the Isthmus of Panama would be selected for this grand destiny, located as it is in the center of the globe, having on one side Asia, and on the other Africa and Europe. The Isthmus of Panama has been tendered for this purpose in existing treaties by the Colombian Government. The Isthmus is equally distant from the extremities of the continent, and on this account ought to be the provisional seat for the first meeting of the confederates.

Yielding myself to these considerations, I am seriously inclined to send to Panama the delegates from this Republic immediately upon having the honor of receiving the desired reply to this circular. Nothing, certainly, can so realize the ardent desire of my heart as the agreement I hope for on the part of the confederated Governments to accomplish this august act of America.

Should your Excellency not adhere to this I foresee great delays and injuries, at a time, too, when the movement of the world hurries everything on, and may accelerate to our harm.

The first conferences between the plenipotentiaries once held, the seat of the Congress, as well as its powers, can be solemnly determined by the majority, and then everything will have been realized.

The day our plenipotentiaries make the exchanges of their powers will stamp in the diplomatic history of the world an immortal epoch.

When, after a hundred centuries, posterity shall search for the origin of our public law, and shall remember the compacts that solidified its destiny, they will finger with respect the protocols of the Isthmus. In them they will find the plan of the first alliances that shall sketch the mark of our relations with the universe. What, then, shall be the Isthmus of Corinth compared with that of Panama?

God preserve Your Excellency,

Your great and good friend,

SIMÓN BOLÍVAR

JOSÉ S. CARRIÓN,

Minister of Government and Foreign Relations

119. Bases for a General Confederation of America[1]

[December 17, 1825. Joseph Byrne Lockey, *Pan-Americanism: Its Beginnings* (1920), 333–335.]

The "Bases for a General Confederation of America" were presented by Manuel Lorenzo Viduarre at an informal conference between the representatives of Peru and Colombia to the Congress of Panama. They were not well received. The Colombian delegates objected to Nos. 9, 10, 11, 12, 14, 18, and 20 as contrary to the fundamental laws of their country. José de Revenga, delegate from Colombia, declined to place his country in a position of dependency to a super state. He desired to perpetuate the American confederation, but preferred to do so by indirect means. Viduarre and his colleague on the Peruvian delegation received new instructions. Their policy was modified, and the "bases" were abandoned.

1. The interests of the Confederation shall be cared for by a general assembly to be called the Amphictyonic Congress.

2. The confederated states shall be represented by plenipotentiaries.

3. Each member of the confederation shall contribute not only to the defense of America in general, but also to that of each state in particular.

4. This defense shall be for the purpose of preventing foreign attacks.

5. The territorial integrity of the states comprehended in the confederation shall be reciprocally guaranteed.

6. No state shall be allowed to enter into a treaty of alliance with any non-American power without having previously obtained the consent of the assembly.

7. Upon no pretext whatever shall the states of the confederation make war upon one another. All of their differences shall be decided in the general congress.

8. The assembly shall indicate the points to be fortified, the forces to be maintained in each state, and the funds which each state shall contribute to carry on war or put down anarchy.

9. The assembly shall pass the general laws which may be necessary to maintain the existence of the confederation.

[1] Reprinted by permission of the publishers, The Macmillan Company, New York.

10. To this end the assembly shall be perpetual and shall be composed of two plenipotentiaries from each state.

11. The citizens of the confederated republics, upon passing from the state of which they are citizens to another state of the confederation, shall enjoy the same rights and privileges as those which the native-born citizens of the latter enjoy.

12. Any American residing in the confederation may be appointed to any office or dignity in any of the states without limitation whatever. The citizens of any one of the confederated states shall not be held to be aliens in any other state.

13. Import and export dues when applied to native goods or products shall be the same in all the republics.

14. No article of commerce shall be prohibited in the reciprocal trade between the republics.

15. To meet emergencies the congress may dispose of an armed force whose commander in chief the congress shall appoint.

16. The states which compose the confederation shall not have the right to withdraw until after a period of fifty years shall have elapsed.

17. They shall not have the right to reject articles that may have been stipulated and ratified by the assembly.

18. During the said fifty years they shall not change their form of government.

19. The acts of the congress shall become valid either by common consent or by a majority vote.

20. The decisions of the congress shall be valid without the ratification of the individual states.

21. The plenipotentiaries shall not be held answerable for their opinions or for their votes, being inviolable in their persons, employments, and property during the time of their membership in the assembly and after their connection with it shall have ceased.

120. Bolívar's Memorandum on the Congress of Panama[1]

[February, 1826. Joseph Byrne Lockey, *Pan-Americanism: Its Beginning* (1920), 388–390.]

Bolívar desired to establish friendly relations between the Spanish-American states and Great Britain. Evidences of this

[1] Reprinted by permission of the publishers, The Macmillan Company, New York.

are to be found in his writings and in many of his public utterances. He looked to Great Britain even at the time of bringing together representatives of America at the Congress of Panama. The memorandum below is proof of the British policy of the great Liberator. The absence of any direct reference to the United States in the memorandum is significant. It is evidence of the fact that Bolívar was not friendly to that power and hoped it would not be a member of the Congress of Panama.

The congress of Panamá will bring together all the representatives of America and a diplomatic agent of H. B. M. This congress seems to be destined to create a further reaching, more extraordinary, stronger league than has ever been formed in the world. The Holy Alliance will be less powerful than this confederation should England be willing to be a party as a constituent member. Mankind will bless a thousand times such a league for the public weal, and America as well as Great Britain will reap its benefits.

The relations of political communities would obtain a code of public law for their universal rule of conduct.

1. The New World would be formed by independent nations bound together by a common set of laws which would fix their foreign relations and would give them a conservative power in a general and permanent congress.

2. The existence of these new states would obtain new guarantees.

3. Spain would make peace through respect for England and the Holy Alliance would recognize these new rising nations.

4. Internal order would be preserved untouched, both among and within each of the different states.

5. No one would be weaker than the other, no one the stronger.

6. A perfect balance would be established in this true new order of things.

7. The strength of all would come to the aid of one suffering from a foreign enemy, or anarchical factions.

8. Difference of origin and color would lose their influence and power.

9. America would have nothing more to fear from that awful monster which has devoured the island of Santo Domingo, nor would there be any fear of the preponderance in numbers of the primitive inhabitants.

10. Social reform, in short, would have been attained under the blessed auspices of liberty and peace — but England should necessarily take in her hands the beam of the scales.

Great Britain would undoubtedly attain considerable advantages through this arrangement.

1. Her influence in Europe would progressively increase and her decisions will be like those of destiny.

2. America would serve her as a wealthy commercial domain.

3. America would be to her the center of her relations between Asia and Europe.

4. English subjects would be considered equal to the citizens of America.

5. The mutual relations between the two countries in time would become the same.

6. British characteristics and customs would be taken by Americans as standards of their future life.

7. In the advance of the centuries, there would be, perhaps, one single nation covering the world — the federal nation.

These ideas are found in the minds of some Americans of the most prominent class; they are awaiting impatiently the initiation of this project in the Panamá Congress, which may be the occasion of consolidating the union of the new states with the British Empire.

121. General Instructions to the Delegates of the United States at the Congress of Panama

[May 8, 1826. *International American Conference. Historical Appendix* (1890), IV, 113–150. Published by the United States Government.]

President John Quincy Adams, in his annual message of December 6, 1825, referred briefly to the proposed Congress at Panama. On December 26 he sent a special message to the Senate stating that he had accepted the invitation of Colombia, Central America, and Mexico to participate in that Congress, and requested that the nomination of Richard C. Anderson of Kentucky, minister to Colombia, and John Sergeant of Pennsylvania as delegates be confirmed. The opposition to participation in the Congress of Panama was pronounced from the

first, and it was only after a warm contest that the nomination of Anderson and Sergeant was confirmed. The opposition in the House against appropriating the necessary funds for the Panama mission was also bitter, but in the end the sum was appropriated. The death of Anderson on his way to Panama from Bogotá, and the failure of Sergeant to leave the United States in time, deprived this republic of representation at the Congress. The Assembly of American States, as the Congress was called, began its sessions on June 22, 1826, and adjourned on July 15. Secretary of State Clay gave a clear statement of the policy of the United States toward Hispanic America in his general instructions to the delegates. The following excerpts are among the most important parts of the document.

Department of State,
Washington, May 8, 1826.

GENTLEMEN: The relations in which the United States stand to the other American powers, and duties, interests, and sympathies which belong to those relations, have determined the President to accept an invitation which has been given by the Republics of Colombia, Mexico, and Central America to the United States to send representatives to the Congress at Panama. He could not, indeed, have declined an invitation proceeding from sources so highly respectable, and communicated in the most delicate and respectful manner, without subjecting the United States to the reproach of insensibility to the deepest concerns of the American Hemisphere, and perhaps to a want of sincerity in most important declarations, solemnly made by his predecessor, in the face of the Old and the New World. In yielding, therefore, to the friendly wishes of those three Republics, communicated in the notes of their respective ministers at Washington, of which copies are herewith, the United States act in perfect consistency with all their previous conduct and professions in respect to the new American States.

The assembling of a Congress at Panama composed of diplomatic representatives from independent American nations will form a new epoch in human affairs. The fact itself, whatever may be the issue of the conferences of such a congress, can not fail to challenge the atten-

tion of the present generation of the civilized world, and to command that of posterity. But the hope is confidently indulged that it will have other and stronger claims upon the regard of mankind than any which arise out of the mere circumstance of its novelty, and that it will entitle itself to the affection and lasting gratitude of all America, by the wisdom and liberality of its principles and by the new guaranties it may create for the great interests which will engage its deliberations. On an occasion so highly important and responsible the President has been desirous that the representation from the United States should be composed of distinguished citizens. Confiding in your zeal, ability, and patriotism, by and with the advice and consent of the Senate, he has selected you for this interesting service. And it is his wish that you should proceed with all practicable dispatch to Panama. For the purpose of carrying out Mr. Sergeant, the United States ship *Lexington* has been prepared and is now ready to sail from the port of New York to Porto Bello. Mr. Anderson, having been notified of his appointment has been directed to leave the affairs of the United States at Bogota in the charge of such person as he may for that purpose designate, and to join Mr. Sergeant at Porto Bello, from whence it is supposed that it will be most convenient to proceed by land across the Isthmus to Panama. Ministers from several of the powers have probably by this time reached that place and they may even have proceeded to a comparison of their respective credentials and to conferences on some of the objects of the congress, but it is probable they will have deferred until your arrival a consideration of those deliberations on which it was expected that we should take part.

Your power, accompanying this letter, is joint and several, authorizing you to confer and treat with ministers also duly authorized from all or any of the American powers, of peace, friendship, commerce, navigation, maritime law, neutral and belligerent rights, and other matters interesting to the continent of America. After the mutual exchange of powers, it will be necessary to determine the forms of deliberation and the modes of proceeding of the congress. It is distinctly understood by the President that it is to be regarded in all respects as diplomatic in contradistinction to a body clothed with powers of ordinary legislation; that is to say, no one of the States represented is to be considered bound by any treaty, convention, pact, or act to which it does not subscribe and expressly assent by its acting

representative, and that, in the instance of treaties, conventions, and pacts, they are to be returned for final ratification to each contracting State according to the provisions of its particular constitution. All idea is, therefore, excluded of binding a minority to agreements and acts contrary to its will, by the mere circumstance of the concurrence of a majority of the States in those agreements and acts. Each State will, consequently, be governed and left free, according to its own sense of its particular interests. All notion is rejected of an amphictyonic council, invested with power finally to decide controversies between the American States or to regulate in any respect their conduct. Such a council might have been well enough adapted to a number of small contracted States, whose united territory would fall short of the extent of that of the smallest of the American powers. The complicated and various interests which appertain to the nations of the vast continent cannot be safely confided to the superintendence of one legislative authority. We should almost as soon expect to see an amphictyonic council to regulate the affairs of the whole globe. But even if it were desirable to establish such a tribunal, it is beyond the competency of the Government of the United States voluntarily to assent to it, without a previous change of their actual constitution.

. . . . . .

In now proceeding to direct your attention particularly to the instructions of the President, by which, after having settled the preliminary point to which I have just adverted, you will govern yourselves, the first observation to be made is, that, in acceding to the invitation which has been accepted, no intention has been entertained to change the present pacific and neutral policy of the United States. On the contrary, it has been distinctly understood by the three Republics who gave this invitation, and has been enforced on our part in all our communications with them in regard to it, that the United States would strictly adhere to that policy, and mean faithfully to perform all their neutral obligations. Whilst the existing war is limited to the present parties, it is as unnecessary as it would be unwise in the United States to become a belligerent. A state of things can hardly be imagined in which they would voluntarily take part on the side of Spain; and on that of the republics it would be entirely useless, since they have been all along able, unaided, triumphantly to maintain their cause and to conquer the arms, if they have not overcome the obstinacy

of Spain. By maintaining the neutral position which the United States have assumed, they have been enabled to hold strong language to Europe, and successfully to check any disposition which existed there to assist Spain in the reconquest of the colonies. If they had departed from their neutrality and precipitated themselves into the war, there was much reason to apprehend that their exertions might have been neutralized, if not overbalanced, by those of other powers who would have been drawn, by that rash example, into the war, in behalf of Spain. Keeping, therefore, constantly in view the settled pacific policy of the United States, and the duties which flow from their neutrality, the subjects will now be particularized, which, it is anticipated, will engage the consideration of the congress at Panama.

These subjects may be arranged under two general heads: (1) Such as relate to the future prosecution of the present war with Spain by the combined or separate operation of the American belligerents. (2) Those in which all the nations of America, whether neutral or belligerent, may have an interest.

In respect to the first, for the reasons already stated, we can take no part. Discussions of them must be confined to the parties to the war. You will refrain from engaging in them. You will not be expected or desired to do so. But, whilst it has been perfectly understood that the United States could not, at the congress, jeopard their neutrality, they may be urged to contract an alliance, offensive and defensive, on the contingency of an attempt by the powers of Europe, commonly called the Holy Alliance, either to aid Spain to reduce the new American Republics to their ancient colonial state or to compel them to adopt political systems more conformable to the policy and views of that alliance.

At all times there has existed more inequality in the distribution among nations of maritime than of territorial power. In almost every age, some one has had the complete mastery on the ocean, and his superiority has been occasionally so great as to more than counterbalance the combined maritime force of all the other nations, if such a combination were practicable. But when a single nation finds itself possessed of a power anywhere, which no one, nor all the other nations can successfully check or countervail, the consequences are too sadly unfolded in the pages of history. Such a nation grows presumptuous, impatient of contradiction, and finds the solution of national problems easier, and more grateful to its pride, by the sword than by the slow

and less brilliant process of investigation. If the superiority be on the ocean, the excesses in the abuses of that power become intolerable. Although in the arrangement of things, security against oppression should be the greatest where it is most likely to be often practiced, it is, nevertheless, remarkable that the progress of enlightened civilization has been much more advanced on the land than on the ocean. And accordingly personal rights, and especially those of property, have both a safety and protection on the former, which they do not enjoy on the latter element. Scarcely any circumstance would now tend more to exalt the character of America than that of uniting its endeavors to bring up the arrears of civilization, as applied to the ocean, to the same forward point which it has attained on the land, and thus, rendering men and property secure against all human injustice and violence, leave them exposed only to the action of those storms and disasters, sufficiently perilous, which are comprehended in the dispensations of Providence.

It is under the influence of these and similar considerations that you will bring forward, at the contemplated Congress, the proposition to abolish war against private property and non-combatants upon the ocean. Private property of an enemy is protected when on land from seizure and confiscation. Those who do not bear arms there are not disturbed in their vocations. Why should not the same humane exemptions be extended to the sea? If merchandise in a warehouse on shore remains unmolested amidst the ravages of modern war, can any good reason be assigned for allowing the same merchandise, when transferred to a ship which is peaceably navigating the ocean, to be an object of legitimate capture and condemnation? If artisans and husbandmen are permitted without hinderance to pursue their respective callings, why should not the not less useful mariners be allowed peaceably to distribute the productions of their industry, in exchanges for the common benefit of mankind? This has been an object which the United States have had much at heart ever since they assumed their place among the nations. More than forty years ago Dr. Franklin, one of their most enlightened and successful ministers, thus expressed himself:

> It is time, it is high time, for the sake of humanity, that a stop were put to this enormity.
>
> The United States of America, though better situated than any European nation to make profit by privateering, are, as far as in them lies, endeavoring

to abolish the practice, by offering, in all their treaties with other powers, an article engaging solemnly, that, in case of future war, no privateer shall be commissioned, on either side, and that unarmed merchant ships, on both sides, shall pursue their voyages unmolested. This will be a happy improvement of the law of nations. The humane and the just can not but wish general success to the proposition.

What the sagacious forecast of that illustrious man enabled him to anticipate at that early day of our national existence, has been fully confirmed in our subsequent progress. We are better situated than any other nation, and, in the event of war, we now have ample means to enable us to make profit by privateering, but, faithful to our principles, we now offer, in our maturer and stronger condition, the same stipulations which were offered by Franklin and other American negotiators, but which might then have been attributed to our infancy and weakness.

If, by the common consent of nations, private property on the ocean was no longer liable to capture as lawful prize of war, the principle that free ships should make free goods would lose its importance by being merged in the more liberal and extensive rule. But, judging from the slow progress of civilization in its operation on the practices of war, and the tenacity with which power ever clings to advantages which it conceives itself to possess, it would be too much to indulge any very sanguine hope of a speedy universal concurrence in a total exemption of all private property from capture.

Some nations may be prepared to admit the limited, who would withhold their assent from the more comprehensive principle. You will, therefore, also propose the adoption of the rule that free ships shall make free goods, and its converse, that inimical ships shall make inimical goods. The one seems necessarily to follow from the other, and in their practical application there is a simplicity and certainty in both which strongly recommend them to general adoption. Both operate in favor of neutrality, and thus present a new dissuasive to nations from rashly engaging in war. It will occur, of course, to you, to insert a provision restricting the operation of these principles to those nations which shall agree to observe them.

. . . . . .

In December, 1823, the then President of the United States, in his annual message, upon the opening of congress, announced, as the prin-

ciple applicable to this continent, what ought hereafter to be insisted upon, that no European nation ought to be allowed to plant upon it new colonies. It was not proposed, by that principle, to disturb pre-existing European colonies already established in America; the principle looked forward, not backward. Several of the new American States have given intimation of their concurrence in the principle; and it is believed that it must command the assent of the impartial world.

Whilst America was, comparatively, a boundless waste, and an almost unpeopled desert, claimed and probably first settled by civilized men by the European powers who discovered it, if they could agree among themselves as to the limits of their respective territories, there was no American State to oppose, or whose rights could be affected by, the establishment of new colonies. But now the case is entirely altered; from the northeastern limits of the United States, in North America, to Cape Horn; in South America, on the Atlantic Ocean, with one or two inconsiderable exceptions: and from the same cape to the fifty-first degree of north latitude, in North America, on the Pacific Ocean, without any exception, the whole coasts and countries belong to sovereign resident American powers. There is, therefore, no chasm within the described limits in which a new European colony could be now introduced without violating territorial rights of some American State. An attempt to establish such a colony, and by its establishment to acquire sovereign rights for any European power, must be regarded as an inadmissible encroachment.

If any portion of the people of Europe, driven by oppression from their native country, or actuated by a desire of improving the condition of themselves or their posterity, wish to migrate to America, it will no doubt be the policy of all the new States, as it ever has been ours, to afford them an asylum, and, by naturalization, to extend to such of them as are worthy the same political privileges which are enjoyed by the native citizens. But this faculty of emigration can not be allowed to draw after it the right of the European State, of which such emigrants shall have been natives, to acquire sovereign powers in America. The rule is good by which one, in judging of another's conduct or pretensions, is advised to reverse positions. What would Europe think of an American attempt to plant there an American colony? If its pride would be provoked and its powers exerted to

repress and punish such a presumptuous act, it is high time that it should be recollected and felt that Americans, themselves descended from Europeans, have also their sensibilities and their rights.

To prevent any such new European colonies, and to warn Europe beforehand that they are not hereafter to be admitted, the President wishes you to propose a joint declaration of the several American States, each, however, acting for and binding only itself, that within the limits of their respective territories no new European colony will hereafter be allowed to be established. It is not intended to commit the parties who may concur in that declaration to the support of the particular boundaries which may be claimed by any one of them; nor is it proposed to commit them to a joint resistance against any future attempt to plant a new European colony. It is believed that the moral effect alone of a joint declaration, emanating from the authority of all the American nations, will effectually serve to prevent the effort to establish any such new colony; but if it should not, and the attempt should actually be made, it will then be time enough for the American powers to consider the propriety of negotiating between themselves, and, if necessary, of adopting in concert the measures which may be necessary to check and prevent it. The respect which is due to themselves, as well as to Europe, requires that they should rest in confidence that a declaration thus solemnly put forth will command universal deference. It will not be necessary to give to the declaration now proposed the form of a treaty. It may be signed by the several ministers of the congress, and promulgated to the world as evidence of the sense of all the American powers.

Among the subjects which must engage the consideration of the congress, scarcely any has an interest so powerful and commanding as that which belongs to Cuba and Porto Rico, the former especially. Cuba, from its position, the present amount and character of its population, that which it is capable of sustaining, its vast though almost latent resources, is at present the great object of attraction both to Europe and America. No power, not even Spain itself, has in such a variety of forms so deep an interest in its future fortunes, whatever they may happen to be, as the United States. Our policy in regard to it is fully and frankly disclosed in the before-mentioned note to Mr. Middleton. It is there stated that for ourselves we desire no change in the possession or political condition of that island, and that we

could not, with indifference, see it transferred from Spain to any other European power. We are unwilling to see its transfer or annexation to either of the new American States. If the present war should much longer continue there are three conditions, into some one of which that island may fall during its further progress, and all of them deserve the most particular and serious consideration. The first is its independence, resting at the close of the war upon its own unassisted resources to maintain that independence; secondly, its independence, with the guaranty of other powers, either of Europe or of America, or of both; and thirdly, its conquest and attachment to the dominions of the Republic of Colombia or Mexico. We will now examine each of those predicaments of the island in the order in which they have been stated.

(1) If Cuba had the ability within itself of maintaining an independent self-government against all assaults from without or within, we should prefer to see it in that state, because we desire the happiness of others as well as ourselves, and we believe that is, in the general, most likely to be secured by a local government springing directly from, and identified in feeling, interest, and sympathy with, the people to be governed. But a mere glance at the limited extent, moral condition, and discordant character of its population, must convince all of its incompetency, at present, to sustain self-government unaided by other powers. And if, at this premature period, an attempt at independence should be so far attended with success as to break the connection with Spain, one portion of the inhabitants of the island, as well as their neighbors in the United States and in some other directions, would live in continual dread of those tragic scenes which were formerly exhibited in a neighboring island, the population of which would be tempted, by the very fact of that independence, to employ all the means which vicinity, similarity of origin, and sympathy could supply to foment and stimulate insurrection, in order to gain ultimate strength to their own cause.

(2) A guarantied independence of Cuba, although it might relieve the island from the dangers which have been just noticed, would substitute others not less formidable, and which, it is believed, are almost insuperable. Who shall be the guarantying powers? Shall they be exclusively American or mixed, partly American and partly European? What shall be the amount of their respective contributions to the protecting force, military and naval, and to the other means necessary to

uphold the local government? Who shall have the command of that force? Will not the guarantying powers not in command entertain continual apprehensions and jealousies of the commanding powers? The candid must own that these are perplexing questions; and that upon the whole, although all thought of that modification of independence should not, perhaps, be dismissed as absolutely inadmissible under any possible circumstances, it must be agreed to be one to which, if assent is ultimately yielded, it must be reluctantly, from a train of unforeseen and uncontrollable events.

(3) With respect to the conquest and annexation of the island to Colombia or Mexico, it should be remarked that, if that be attempted, the whole character of the present war will be entirely changed. Hitherto, on the part of the Republics, the contest has been for independence and self-government, and they have had, on their side, the good wishes and the friendly sympathies of a large portion of the world, and those especially of the people of the United States. But in the event of a military enterprise directed against Cuba it will become a war of conquest. In such a war, whatever may be the result of that enterprise, the interests of other powers, now neutral, may be seriously affected, and they may be called upon to perform important duties which they may not be at liberty to neglect. The issue of such a war may have great influence upon the balance and stability of power in the West Indies. Nations of Europe may feel themselves required to interpose forcibly to arrest a course of events to which they can not be indifferent. If they should limit their interposition merely to the object of preventing any change in the existing state of things in respect to the islands, the United States, far from being under any pledge at present to oppose them might find themselves, contrary to their inclination, reluctantly drawn by a current of events to their side.

In considering such an enterprise as has been supposed, if it be undertaken, there ought to be an anxious and deliberate examination, first, into the means of Colombia and Mexico to accomplish the object; and, secondly, their power to preserve and defend the acquisition if made. We have not the data necessary to form a certain judgment on the first point. We ought to possess, to enable us to form such a judgment, a knowledge, first, of the force, military and naval, which the Republics can apply to the operation; secondly, that which Spain can exert in resistance; and, thirdly, what portion of the inhabitants

of the island would take part on the one and on the other side of the belligerents. Although we have not this information in ample detail, we know that Spain is in actual possession, with a very considerable military force; that this force, recently much strengthened, occupies the Moro Castle, deemed almost impregnable, and other strongholds in the island; that, driven as she has been from the continent of America, all her means and all her efforts will now be concentrated on this most valuable of her remaining American possessions; that to this end she will apply her attention, which has been hitherto too much distracted by the multitude of her belligerent exertions in North and South America, exclusively to this most important point; that to its succor she will gather up from her vast wreck the residue of her once powerful army in Europe and America; and that there is reason to believe that if she should not be openly assisted by any of the European powers she may receive from them covert but irresponsible aid.

With all these resources and favorable circumstances combined it must be admitted that the conquest of Cuba is very difficult, if not impracticable, without extensive and powerful means, both naval and military. But, secondly, do either Colombia or Mexico possess such means? We doubt it. They have both to create a marine. A single ship of the line, two frigates, and three or four vessels of a smaller grade, badly manned, compose the whole naval force of the United Mexican States. That of Colombia is not much greater nor better manned. But the means of transporting and defending during its voyages the military force necessary to achieve the conquest are absolutely indispensable. Nay, more, it would be in the last degree rash and imprudent to throw an army into Cuba unless the two Republics possessed and could retain a naval superiority, at least in the Gulf of Mexico, to provide for those contingencies which ought always to be anticipated in the vicissitudes of war. And, in the third place, it is well known that the inhabitants of Cuba are far from being united in favor of invasion, entertain great apprehensions as to their future safety in such an event, and that they especially dread an invasion from Colombia on account of the character of a portion of the troops of that Republic.

But, if all the difficulties were surmounted, and the conquest of the island was once effected, we should not be without continual fears of the instability of its future condition. The same want of naval power

which would be felt in reducing it would be subsequently experienced in defending and preserving it. Neither Colombia nor Mexico is destined to be a first-rate naval power. They both (Mexico still more than Colombia) want an extent of sea-coast, bays, inlets, harbors — the nurseries of seamen — in short, all the essential elements of a powerful marine. England, France, the Netherlands, Spain herself, when she shall, as at some no very distant day she must, recover from her present debility will, for a long time to come, if not forever, as naval powers outrank either Mexico or Colombia. A war with any one of those European nations would place Cuba in the hands of either of those two Republics at the most imminent hazard. It is impossible for the Government of the United States to close their eyes to the fact that, in the event of a military enterprise being prosecuted by the Republics against Cuba, the ships, the seamen, the cannon, and the other naval means necessary to conduct it will have been principally obtained in the United States. Although far from giving any countenance to the procurement of those supplies determined to maintain a faithful neutrality they have directed a strict enforcement of their laws; the fact, nevertheless, of their being collected within their ports subjects them to unfriendly and injurious suspicions. And they would see with much repugnance resources drawn from themselves applied to the accomplishment of an object to which their policy and their interests are opposed.

The President hopes that these considerations, enforced by such others as may present themselves to you, if they should not be deemed of sufficient weight to prevent altogether any invasion of Cuba, will at least dissuade from any rash or premature enterprise with inadequate or doubtful means. And it is required, by the frank and friendly relations which we most anxiously desire ever to cherish with the new Republics, that you should, without reserve, explicitly state that the United States have too much at stake in the fortunes of Cuba to allow them to see with indifference a war of invasion prosecuted in a desolating manner, or to see employed in the purposes of such a war one race of the inhabitants combating against another, upon principles and with motives that must inevitably lead, if not to the extermination of one party or the other, to the most shocking excesses. The humanity of the United States in respect to the weaker, and which in such a terrible struggle would probably be the suffering portion, and their

duty to defend themselves against the contagion of such near and dangerous examples, would constrain them, even at the hazard of losing the friendship, greatly as they value it, of Mexico and Colombia, to employ all the means necessary to their security.

If you should be unable to prevail on those Republics to renounce all the designs of invasion and conquest of Cuba and Porto Rico you will then exert your endeavors to induce them to suspend the execution of them until the result is known of the interposition which we are authorized to believe the late Emperor of Russia, and his allies, at the instance of the United States, have made to put an end to the war, and that which is herein stated to have been recently made at the instance of the Republic of Colombia. Such a suspension is due to Russia. It would be a deference to that great power which the reigning Emperor would not fail to appreciate and the value of which the new Republics might hereafter experience if, in this instance, the counsels which we have reason to believe have been given to Spain should not be followed. But there is much reason to hope that Spain will pause before she rejects them, and will see her true interest, as all the world sees it, on the side of peace; and the late events, the fall of the castles of St. Juan d'Ulloa and of Callao, especially, must have a powerful effect in urging her to terminate the war.

A cut or canal for purposes of navigation somewhere through the isthmus that connects the two Americas, to unite the Pacific and Atlantic Oceans, will form a proper subject of consideration at the congress. That vast object, if it should be ever accomplished, will be interesting, in a greater or less degree, to all parts of the world. But to this continent will probably accrue the largest amount of benefit from its execution: and to Colombia, Mexico, the Central Republic, Peru, and the United States, more than to any other of the American nations. What is to redound to the advantage of all America should be effected by common means and united exertions, and should not be left to the separate and unassisted efforts of any one power.

In the present limited state of our information as to the practicability and the probable expense of the object, it would not be wise to do more than to make some preliminary arrangements. The best routes will be most likely found in the territory of Mexico or that of the Central Republic. The latter Republic made to this Government, on the 8th day of February of last year, in a note to which Mr. Canaz,

its minister here, addressed to this Department (a copy of which is now furnished), a liberal offer, manifesting high and honorable confidence in the United States. The answer which the President instructed me to give (of which a copy is also now placed in your hands) could go no farther than to make suitable acknowledgments for the friendly overture and to assure the Central Republic that measures would be adopted to place the United States in the possession of the information necessary to enlighten their judgment. If the work should ever be executed so as to admit of the passage of sea vessels from ocean to ocean, the benefits of it ought not to be exclusively appropriated to any one nation, but should be extended to all parts of the globe upon the payment of a just compensation or reasonable tolls. What is most desirable at present is to possess the data necessary to form a correct judgment of the practicability and the probable expense of the undertaking on the routes which offer the greatest facilities.

Measures may have been already executed or be in progress to acquire the requisite knowledge. You will inquire particularly as to what has been done or may have been designed by Spain or by either of the new States, and obtain all other information that may be within your reach, to solve this interesting problem. You will state to the ministers of the other American powers that the Government of the United States takes a lively interest in the execution of the work, and will see, with peculiar satisfaction, that it lies within the compass of reasonable human efforts. Their proximity and local information render them more competent than the United States are at this time to estimate the difficulties to be overcome. You will receive and transmit to this Government any proposals that may be made or plans that may be suggested for its joint execution, with assurances that they will be attentively examined, with an earnest desire to reconcile the interests and views of all the American nations.

It will probably be proposed as a fit subject of consideration for the powers represented at Panama, whether Hayti ought to be recognized by them as an independent State, and whether any decision taken in that respect should be joint or each power be left to pursue the dictates of its own policy.

The President is not prepared now to say that Hayti ought to be recognized as an independent sovereign power. Considering the nature and the manner of the establishment of the governing power in

that island and the little respect which is there shown to other races than the African, the question of acknowledging its independence was far from being unattended with difficulty prior to the late arrangement which, it is understood, has been made between France and Hayti. According to that arrangement, if we possess correct information of its terms, the parent country acknowledges a nominal independence in the colony, and, as a part of the price of this acknowledgment, Hayti agrees to receive forever the produce of France at a rate of duty one-half below that which is exacted in the ports of Hayti from all other nations. This is a restriction upon its freedom of action to which no sovereign power, really independent, would ever subscribe. There is no equivalent, on the side of France, in the favorable terms on which the produce of Hayti is received in the ports of France. If the colonial relation may be correctly described to be the monopoly of the commerce of the colony, enjoyed by the parent State, it can not be affirmed that Hayti has not voluntarily, by that arrangement, consented to its revival. There was no necessity urging her to agree to it, however she may have been called upon, by just and equitable considerations, to indemnify the former individual proprietors for the loss of their property in St. Domingo. Prior to the conclusion of that arrangement Hayti enjoyed, no matter how established, a sort of independence in fact. By that arrangement she has voluntarily, and in a most essential particular, in respect to all foreign nations, changed her character, and has become, to say the least, not an independent State. Under the actual circumstances of Hayti, the President does not think that it would be proper, at this time, to recognize it as a new State. The acknowledgment, or declining to acknowledge, the independence of Hayti is not a measure of sufficient magnitude to require that in either of the alternatives, it should be the result of a concert between the American powers.

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Finally, I have it in charge to direct your attention to the subject of the forms of government and to the cause of free institutions on this continent. The United States never have been, and are not now, animated by any spirit of propagandism. They prefer to all other forms of government, and are perfectly contented with, their own confederacy. Allowing no foreign interference either in the formation or in the conduct of their government, they are equally scrupulous in

refraining from all interference in the original structure or subsequent interior movement of the governments of other independent nations. Indifferent they are not, because they can not be indifferent to the happiness of any nation. But the interest which they are accustomed to cherish in the wisdom or the folly which may mark the course of other powers in the adoption and execution of their political systems is rather a feeling of sympathy than a principle of action. In the present instance they would conform to their general habit of cautiously avoiding to touch on a subject so delicate; but that there is reason to believe that one European power, if not more, has been active both in Colombia and Mexico, if not elsewhere, with a view to subvert, if possible, the existing forms of free government there established, to substitute the monarchical in place of them, and to plant on the newly-created thrones European princes.

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H. CLAY

NAVIGATION OF THE AMAZON RIVER

122. Memorial presented by Maury to the Congress of the United States on the Free Navigation of the Amazon to All the Nations of the World

[March 3, 1854. William Lewis Herndon and Gardner Gibbon, *Exploration of the Valley of the Amazon made under Direction of the Navy Department* (1854). *House Executive Documents*, 33d Congress, 1st Session, No. 53, 408–417. Published by the United States Government.]

Toward the end of the first half of the last century the United States became officially interested in the effort to induce Brazil to abandon her policy of exclusive control of the Amazon River. Secretary of State Clayton, in an official note of May 8, 1850, to the Secretary of the Navy, stated that the government had for some time past considered means toward that end. He requested him to send a ship of war to explore the river and its most important tributaries. It was not until a year later, however, that the Navy Department sent an expedition to carry out the wishes of the State Department. On February 15, 1851, Lieutenants Herndon and Gibbon received instructions to take charge of the expedition. During the year they carried on the work of exploration with scientific thoroughness. Lieutenant Herndon submitted his report to Congress on January 26, 1853.[1] It was soon given large circulation. The report was of special interest to Lieutenant Matthew Fontaine Maury, also an officer of the United States navy and, in addition, superintendent of the Hydrographic Office and astronomer of the Naval Observatory at Washington. Maury was instrumental in calling together the Commercial Convention at Memphis, Tennessee, on June 7, 1853. It was on behalf of this body of men

[1] *House Documents*, 32d Congress, 2d Session, No. 43.

that he presented to the Congress of the United States the memorial from which the excerpts given below are taken. It was not until November 7, 1866, however, that the decree, drawn up by Nabuco at the request of Antonio Coelho de Sà e Albuquerque, minister of foreign affairs of Brazil, was signed by Emperor Dom Pedro II. By the terms of the decree the Amazon, three of its tributaries, and two other rivers were to be open to the free navigation of the merchant ships of all nations after September 7, 1867.[1] The three tributaries were to be opened as follows: the Tapajos to Santarem, the Medeira to Borbá, and the Rio Negro to Manáos. The Tocantins, which is really not a branch of the Amazon, was to be opened to Cametá, and the São Francisco to Penedo. Peru followed the example set by Brazil and two years later opened her rivers.[2] The efforts of Lieutenants Herndon, Gibbon, and Maury had been successful. And the United States may be said to have been, as Dr. Martin maintains, the determining factor in inducing the imperial Brazilian government to open the Amazon River to the world's commerce.[3] The line of argument used by Maury is exemplified in the following excerpts:

. . . . . .

They have established the freedom of the seas upon their navigable tributaries of the Amazon. They have invited the world to come and use these waters — to settle upon their banks — to subdue the wilderness there, and replenish the solitary places — to make those lovely countries their homes, and to enjoy perfect freedom of trade for all time.[4]

Here is a boon to the world; therefore, neither Brazil nor any other nation has the right to oppose that world in the enjoyment of a common good, nor to throw herself in the way of civilization nor of human progress, nor to adopt any policy adverse to the rights of man.

[1] The decree is given in *Diplomatic Correspondence, 1867*, II, 256–257.

[2] That is, on December 17, 1868.

[3] Consult Dr. Martin's article "The Influence of the United States on the Opening of the Amazon to the World's Commerce," in the *Hispanic-American Historical Review*, I, 146–162. The text of Maury's Memorial is given in *House Miscellaneous Documents*, 33d Congress, 1st Session, No. 22.

[4] Lieutenant Maury was dealing with the Spanish-American republics of the Amazon.

By these decrees, and the enlightened course of policy which dictated them, the riparian republics have removed the navigation of the Amazon from the condition of a diplomatic question with Brazil, and placed it in the category of a great international question, to be decided and settled, regulated and adjusted, not according to the selfish policy of any government, but according to the enlightened principles which sanctify, give strength to, and make binding the law of nations.

These decrees have, to all intents and purposes, converted the navigable tributaries of the Amazonian republics into arms of the high seas. Bolivia not only gives all friendly nations the right to navigate these waters for the purposes of commerce, but she gives them the right to send there their men-of-war also. And all the republics offer homes to the immigrant. He is invited to come, and is promised a homestead in fee simple if he will come. The homestead bill has been enacted there upon a grand scale, for whoever will come is to be supplied gratis with land, seeds, and farming utensils. The Congress of Peru has voted half a million of dollars, to encourage settlement and cultivation upon the Amazon.

This masterly, humane, and wise action, on the part of these republics, has changed, in the international eye of the law, the character of the Amazon, as it flows through the territory of Brazil, and has converted it from a river into a strait, connecting arms — free navigable arms — of the sea with the main ocean. And no nation, even though she own both shores of such a strait, can have the right to shut it up against the world as a common highway. Such is the doctrine of the international code.

"Straits," says Wheaton, "are passages communicating from one sea to another. If the navigation of the two seas thus connected is free, the navigation of the channel by which they are connected ought also to be free. Even if such strait be bounded, on both sides, by the territory of the same sovereign, and is at the same time so narrow as to be commanded by cannon-shot from both shores, the exclusive territorial jurisdiction of that sovereign is controlled by the right of other nations to communicate with the seas thus connected. Such right may, however, be modified by special compact, adopting those regulations which are indispensably necessary to the security of the State whose interior waters thus form the channel of communication between

different seas, the navigation of which is free to other nations. Thus the passage of the strait may remain free to the private merchant vessels of those nations having a right to navigate the seas it connects, whilst it is shut to all foreign armed ships in time of peace.

"So long as the shores of the Black sea were exclusively possessed by Turkey, that sea might, with propriety, be considered a *mare clausum*; and there seems no reason to question the right of the Ottoman Porte to exclude other nations from navigating the passage which connects it with the Mediterranean — both shores of this passage being at the same time portions of the Turkish territory; but since the territorial acquisitions made by Russia, and the commercial establishments formed by her on the shores of the Euxine, both that empire and other maritime powers have become entitled to participate in the commerce of the Black sea, and consequently to the free navigation of the Dardanelles and the Bosphorus. This right was expressly recognised by the seventh article of the treaty of Adrianople, concluded, in 1829, between Russia and the Porte, both as to Russian vessels and those of other European States in amity with Turkey." — Wheaton's *Elements of International Law*, p. 229.

The international code, though it affords cases which rest upon the principles involved in this question of the Amazon, yet it affords no case precisely similar and parallel to it.

In the first place, there is no other river in the world like the Amazon. The treaties of Vienna respecting the great European rivers, and by which the navigation of the Rhine, &c., was declared to be entirely free throughout its whole course, included no case so broad, so comprehensive, so strongly urgent, as is this of the Amazon.

In the next place, the European rivers simply involved questions purely of commercial convenience; whereas the Amazon not only involves these, but actually includes questions of civilization, of settlement, and of the use of vacant lands, which their proprietors have offered in fee simple to the laboring men of whatever tongue.

The valley of the Rhine was already peopled and subdued to cultivation; and, in case the people on its upper waters were barred out through it from the sea, the features of the country were not such as to cut them off from all commercial intercourse with the rest of the world.

Now, all commercial intercourse between the rest of the world and the Atlantic slopes of those three republics is cut off from the Pacific by

the Andes, and there is no other channel to the high seas left except that by way of the Amazon.

In the case of the great European rivers, the question, as already stated, was chiefly one of commercial convenience and facility of communication; but with the republics of the Amazon it is not only a question of commercial convenience, but a question also of national well-being — of commercial *necessity* — a question of cultivation and settlement, of immigration, of civilization, and it is even a question of humanity; for, unless the Amazon be opened to those republics, their territories bordering upon it must forever remain a wilderness, and the people who dwell there must ever be stinted in their enjoyment of the blessings of civilization and refined culture.

If the Mediterranean were shut up — if the nations bordering upon it were denied access, through the straits of Gibraltar, to and from the great common highway of all nations — then, and in that contingency, we should have, in a commercial sense, a case precisely similar to that of the Amazon.

The Mediterranean powers (that sea being closed) would, we will suppose, do as the three riparian republics of the Amazon have done, viz: proclaim, each for its own ports and waters, the freedom of the seas, and invite all nations to come and trade with them. Would the nation commanding the straits of Gibraltar have the right to do what Brazil has done, less than one month ago, touching this great South American strait, viz: proclaim to the world that no foreign flag should enter there?

Wheaton is very clear upon this point. Let him answer:

"As to straits and sounds," says he, "bounded on both sides by the territory of the same State, so narrow as to be commanded by cannon-shot from both shores, and communicating from one sea to another, we have already seen that the territorial sovereignty may be limited by the right of other nations to navigate the seas thus connected. The *physical power* which the State bordering on both sides the sound or strait has, of appropriating its waters, and of excluding other nations from their use, is here encountered by the moral obstacle arising from the right of other nations to communicate with each other. If the straits of Gibraltar, for example, were bordered on both sides by the possessions of the same nation, and if they were sufficiently narrow to be commanded by cannon-shot from both shores, this passage would

not be the less freely open to all nations, since the navigation both of the Atlantic ocean and of the Mediterranean sea is free to all. Thus, it has already been stated that the navigation of the Dardanelles and the Bosphorus, by which the Mediterranean and Black seas are connected together, is free to all nations, subject to those regulations which are indispensably necessary for the security of the Ottoman empire."— Wheaton's *Elements of International Law*, p. 240.

Now, Bolivia and Ecuador have both established the *freedom of the seas* — that is the term used by President Belzu — upon their Amazonian waters, as Russia did upon the Black sea, by her acquisitions along its shores, and as the Baltic powers did before her. These republics have made a free gift of their waters to commerce, as the nations of the Baltic and Black seas did; and they have brought the Amazon, in Brazil, exactly within the case so well put by this distinguished jurist.

The international code, like all others of human origin, requires occasional revision; for the principles which have been laid down in Europe with regard to seas, rivers, and other questions, have not always been either sanctioned or acquiesced in on this side of the water.

We have filed in the great international court our bill of exceptions to the European doctrine concerning blockades, the right of search, closed seas, and other points, as to which the grand inquest of the world at large — the people, not kings — have pronounced judgment; and their verdict is, WE ARE RIGHT.

Hence the stronger necessity and greater propriety in laying down now the international doctrine which ought to obtain with regard to the Amazon.

In 1821, Russia claimed the exclusive right of navigating the North Pacific ocean, upon the ground that she owned portions both of the Asiatic and American shores, which brought that ocean within the category of a closed sea.

This claim was contested *in limine*, and successfully resisted by the statesmen of America.

In like manner, the American doctrine with regard to navigable water-courses owned by two or more nations is well understood, for it has been often proclaimed touching our own Mississippi, as well as the St. Lawrence.

In each of these cases there were but two riparian States; but with regard to the Amazon there are no less than six. This complicates the

question, and makes any special arrangement among them with regard to the navigation of that river very difficult, if not impossible. Two of the riparian republics are already at war, and, owing to this circumstance, one of them is excluded from the proposed Amazonian Congress. Inaction, the *statu quo*, the sealed river and closed strait, and unsubdued wilderness — these are what Brazil wants. And, therefore, after having exhausted argument, there is no way left for the adjustment of this question by the United States — and the United States ought to adjust it, for it is an American question — but that which the laws of nations suggest.

In such a case — in cases where the riparian States, desiring to confine the navigation of their own waters to their own citizens and subjects, cannot agree among themselves as to the terms and conditions, then, according to Puffendorf, the sovereign rights "are distributed according to the rules applicable to neighboring proprietors on a lake or river, supposing no compact has been made."

It would, therefore, appear that this government would have the right on its side, were it, without further ado, to yield to the entreaties of its citizens, and give safe conduct up and down the Amazon to those who desire to penetrate through it up into Peru, Bolivia, and Ecuador, with the river steamer, and to push their enterprise into these remote regions in search of that commerce and those important privileges which the liberality and laws of these governments guaranty to them.

Brazil has no treaty of commerce and navigation, or of amity and friendship, with this government; the quarter of a century has elapsed since the last one was made, and she has steadily, for the last fifteen or twenty years, refused to renew it. Therefore, if she be dealt with now strictly according to the law of nations in this matter of the Amazon, she could not rightfully complain.

But your memorialists love peace, and value exceedingly the relations of amity and friendship that have ever existed between this country and Brazil. They believe that there is virtue in forbearance, and therefore pray for such action only, on the part of your honorable bodies, as may secure the free navigation of the Amazon peaceably, and with the consent of Brazil: peaceably if we can — forcibly if we must.

To accomplish the former, it is only necessary, in the judgment of your memorialists, to lay down the doctrine which this nation holds

upon this subject, and then to remind Brazil of the rights which American citizens have upon the headwaters of the Amazon; of the doctrine which we on this side of the equator have always held as to the navigation rights of riparian States; and to pass in review, for her edification, the relations of commerce, business, and friendship between the two countries, which it is not the wish of this country, and certainly not the interest of that, to disturb.

There are few countries, having friendly dealings with each other, between which commerce is more one-sided in its operations than is our commerce with Brazil. On one side it is all free trade, but on the other it is restrictive in the highest degree. Owing to the illiberal policy of Brazil, our commerce with her is carried on upon very unequal and disadvantageous terms.

Coffee, drugs, hides, and India rubber, are the chief articles that are exported from Brazil and brought to this country, and this country is Brazil's best customer. We take about two-thirds of her whole coffee crop; we admit her coffee duty free; and also the other staples enumerated above are either on the free list, or are admitted at rates merely nominal.

On the other hand, the coffee which Brazil sells to us is first taxed with heavy excise duties, and the flour which she receives from us is saddled at her custom-house with enormous charges, thus greatly restricting the consumption of the one and keeping down the demand for the other.

We send to Brazil the manufactured article; she gives us in return the raw; yet so unequal is the trade, that the balance is largely against us. We have to send heavy remittances in bullion to pay for our purchases in her markets, and yet we have never threatened her with retaliatory duties.

The annals of commerce among friendly Christian nations may be challenged almost in vain for another case like this — a case where the nation supplying the elaborated article, and receiving in exchange raw produce, finds herself at such odds as to leave the balance, year after year, heavily against her.

Nevertheless, we are the friends of Brazil and her best customer, and it may be well for her to bear in mind the liberal policy and the marked degree of friendly consideration which this government has ever observed towards her people. A duty in this country of a few

cents a pound on Brazilian coffee would touch a popular nerve in that, which would vibrate through every department of the empire, and convey its impressions to the throne itself. To provoke such retaliation would be a crime scarcely short of deliberate regicide on this continent.

As for the rights of riparian States to rivers that are owned in common, the doctrines held by the United States with regard to the navigation of the Mississippi, when both banks at its mouth were owned by France or Spain, are too well known to require repetition here. Suffice it to say that the American people were not only prepared to maintain that right by force, but they also insisted for a place of free deposite at its mouth — a place where they might load and unload, tranship and deposite, without any fees or charges whatever, save those of wharfage and storage.

With regard to the St. Lawrence, the doctrine held by the United States was, that the right of American citizens to use the waters of that river for floating their vessels to and from the sea rested on the same ground and obvious necessity which had been urged to the Mississippi; that the treaties concluded at the Congress of Vienna, which stipulated that the navigation of the Rhine, the Moselle, the Meuse, and other great rivers of Europe, should be free to all nations, covered this ground; and, finally, that this claim, while its enjoyment was necessary to the development and prosperity of many States of this Union, was not injurious to Great Britain, nor could its exercise violate any of her just rights.

This claim was resisted by the British government chiefly on the ground that the St. Lawrence was not navigable from the sea all the way up to the lakes; that there were connected with it portages, or artificial canals, leading through British territory; and that the right, if vested in a foreign nation, to use these in war, might prove inconvenient, if not injurious, &c. And, furthermore, it was held that the American government could not insist upon its claim unless we were prepared to concede to British subjects the rights of free navigation upon the Mississippi river.

In reply to this, it was held that, so far as geographical knowledge then extended, the Mississippi and all of its tributaries laid wholly within the territory of the United States; that Great Britain had no more right than any other foreign nation to the navigation of this river. But if further research and discovery should establish the fact

that the waters of the Mississippi connect themselves with Upper Canada, as those of the St. Lawrence do with the United States, then, and in that case, the American government would be both willing to recognise and ready to concede the right of British subjects freely to navigate the Mississippi through such connexion from the lakes, or the land, to the sea.[1]

With regard to the St. Lawrence, the American Executive advanced, among other arguments, the very doctrine that, in its comprehensive sense, now applies to the Amazon.

In the case of the St. Lawrence, two powers, and only two, were concerned in its navigation. Though each owned a portion of the great lakes, yet neither of them did as the upper riparian States of the Amazon have done, viz: convert those upper waters into inland seas, by declaring their navigation free, and inviting all the world to come, and each nation under its own flag, for traffic and trade.

Had the United States been the sole proprietor of the great lakes, and had it been thought proper to proclaim the freedom of the seas for these waters, and to make the navigation of them as free to all nations as is the navigation of the blue waters of the deep sea, then the navigation of the St. Lawrence would have been a question in which the whole commercial world would have been equally interested with this government. It would have represented the case of the Dardanelles after Russia became part owner of the Black sea, and the navigation of it was thrown open to the world. It would have been an exact type of the case presented with regard to the Amazon since the decrees of Bolivia, Peru, and Ecuador, which have made the running waters of it and its navigable tributaries as free to man's use as is the air we breathe, or the blue waters ploughed by American keels in the middle of the ocean.

But as it is, principles broad enough to cover this case of the Amazon were laid down by American statesmen with regard to the St. Lawrence, when they maintained that if that river had been "regarded as a *strait* connecting navigable seas, as it ought properly to be, there would be less controversy. The principle on which the right to navigate straits depends is, that they are accessorial to those seas which they unite, and the right of navigating, which is not exclusive, but common to all nations — *the right to navigate the seas drawing after it that of passing the straits.*"

[1] Mr. Clay to Mr. Gallatin, June, 1836.

And this is the doctrine upon which the people represented in the Memphis convention, and who are again, in the persons of their representatives, about to assemble in the city of Charleston for the further consideration of this and other great questions, found their hopes. They believe it just, and desire to see it endorsed and to hear it proclaimed from the chambers of the Capitol.

If it be urged, in the case put by the United States, the waters contemplated were in the shape of great lakes, whereas, in the case of the Amazon, they are in the shape of rivers only, and that, therefore, the comparison cannot be fairly drawn: if it be urged that neither can comparison be drawn with regard to the Dardanelles and Black sea, because, in that case, it is a real strait and salt water that are concerned, — whereas, in this, it is really a river, and fresh water only: if it be urged that this government, not having dominion over any of these South American waters and their littorals, has, therefore, no right to interfere with Brazil in any policy she may choose to adopt with regard to the Amazon, its navigation, and riparian States, — the reply is both ready and plain.

Neither shape of water-way, nor the sweetness of its fountains, has anything to do with its free use by man. Lake Titicaca is salt. Lake Titicaca, its waters, and its shores, lay within the dominions of both Peru and Bolivia. Now, suppose it were connected with the head-waters of the Amazon through navigable channels, and that Peru and Bolivia were to proclaim the freedom of the seas for Lake Titicaca, as they have done for the water-courses of the Amazon, should we not have the case of the Black sea and the Baltic, with the sound and the Dardanelles, and their bitter waters, all repeated here upon the Amazon over again; and would not the great powers of the earth have the same right to interfere, with regard to the passage of their citizens and vessels through the Amazon, in Brazil, to Titicaca, in Peru, that they have had in the case of the sound and the Dardanelles; or that they would have in case Turkey or Denmark should attempt, arbitrarily, to close either the one or the other?

The Amazon presents a case in which the commercial nations have as much right to interfere as the riparian States themselves. It is a question of navigation which is as broad as the sea; it is a question of commerce, of civilization, of human progress, advancement, and improvement, and never before did the free navigation

of any river or strait present questions of such momentous concern to the whole human family.

Apply the principles of international law to this case, is the prayer of the memorialists. If, in obedience to these principles, the Amazon be opened to free navigation, then the capacity of the earth to sustain population becomes two-fold greater than it now is, or than, with that river closed, it can ever well be. It is a question and a prayer, therefore, which teaches the well-being of the whole human family.

Having thus endeavored to set forth the state of this important question, and to explain the views of your memorialists, and the grounds of their prayer with regard to it, the opinion is ventured that these enlightened decrees of the Amazonian republics have, to all intents and purposes, converted the Amazon itself, as it flows through Brazil, into a mere strait, and its upper waters also, to all intents and purposes, into arms of the sea. Those States have given to American citizens the same right to sail and steam up and down that river, from the sea to the riparian shores of Peru, Bolivia, and Ecuador, that they have to pass the sound in their commerce with the Baltic powers of Europe.

As to the mode of exercising this right upon the "king of rivers," the conditions upon which it is to be enjoyed, your memorialists desire that Brazil should be consulted, and that deference should be paid to her wishes, in so far that reasonable restrictions may, by mutual agreement, be placed upon it, as, without necessarily trammeling the exercise of it, may, nevertheless, secure her from any inconvenience or injury with regard to it.

But if Brazil should prove contumacious; if she should deny our rights, refuse to treat, and persist in her attempts to keep the waters of the Amazon shut up against man's free use, then, in the language of one of the most distinguished of America's jurisconsults, your memorialists would have her reminded that "mutual intercourse and a reciprocal interchange of benefits between the different nations which compose the great family of mankind, are ordained by Providence as essential to the moral well-being of the whole human race. Who, then, shall dare to oppose his will to the accomplishment of this divine law?"

And, as in duty bound, your memorialists will ever pray, &c.

M. F. MAURY,
Lieut. U.S.N., in behalf of the Memphis Convention

February, 1854.

EUROPEAN INTERVENTION IN MEXICO

123. The Convention of London

[October 31, 1861. *House Executive Documents*, 37th Congress, 2d Session, VIII, 136–137. Published by the United States Government.]

The announcement of the Mexican government that payments on the national debt would be suspended for two years (from 1861 to 1863) brought on a crisis in the relations of Mexico with Great Britain, France, and Spain. Representatives from these three powers met in London, and on October 31, 1861, agreed on the following convention:

ARTICLE I[1]

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, her Majesty the Queen of Spain, and his Majesty the Emperor of the French, engage to make, immediately after the signature of the present convention, the necessary arrangements for despatching to the coasts of Mexico combined naval and military forces, the strength of which shall be further determined by a further exchange of communications between their governments, but of which the total shall be sufficient to seize and occupy the several fortresses and military positions on the Mexican coast.

The commanders of the allied forces shall be, moreover, authorized to execute the other operations which may be considered, on the spot, most suitable to effect the object specified in the preamble of the present convention, and specifically to insure the security of foreign residents.

All the measures contemplated in this article shall be taken in the name and on account of the high contracting parties, without reference to the particular nationality of the forces employed to execute them.

[1] The introduction has been omitted.

ARTICLE II

The high contracting parties engage not to seek for themselves, in the employment of the coercive measures contemplated by the present convention, any acquisition of territory nor any special advantage, and not to exercise in the internal affairs of Mexico any influence of a nature to prejudice the right of the Mexican nation to choose and to constitute freely the form of its government.

ARTICLE III

A commission composed of three commissioners, one to be named by each of the contracting powers, shall be established with full authority to determine all questions that may arise as to the application or distribution of the sums of money which may be recovered from Mexico, having regard to the respective rights of the three contracting parties.

ARTICLE IV

The high contracting parties desiring, moreover, that the measures which they intend to adopt should not bear an exclusive character, and being aware that the government of the United States on its part has, like them, claims to enforce upon the Mexican republic, agree that immediately after the signature of the present convention a copy thereof shall be communicated to the government of the United States; that that government shall be invited to accede to it; and that in anticipation of that accession their respective ministers at Washington shall be at once furnished with full powers for the purpose of concluding and signing, collectively or separately, with the plenipotentiary designated by the President of the United States, a convention identic, save the suppression of the present article, with that which they sign this day. But as by delaying to put into execution Articles I and II of the present convention, the high contracting parties would incur a risk of failing in the object which they desire to attain, they have agreed not to defer, with the view of obtaining the accession of the government of the above-mentioned operations beyond the time at which their combined forces can be assembled in the neighborhood of Vera Cruz.

ARTICLE V

The present convention shall be ratified, and the ratifications thereof shall be exchanged in London within fifteen days. . . .

Done in London, in triplicate, the thirty-first day of the month of October, in the year of our Lord one thousand eight hundred and sixty-one.

(L.S.) RUSSELL
(L.S.) XAVIER DE ISTURIZ
(L.S.) FLAHAULT

THE PARAGUAYAN WAR

124. The Triple-Alliance Treaty, with Protocol

[May 1, 1865. *The Buenos Ayres Standard*, May 17, 1866. Reprinted from the *Diplomatic Correspondence of the United States, 1866*, II, 577–578. Published by the United States Government.]

The purpose of the tripartite treaty of May 1, 1865, between Argentina, Brazil, and Uruguay was primarily to unite the resources of the three governments in their war against Francisco Solano López, Dictator of Paraguay. The provisions that dealt with the territorial rearrangements called forth lively protests from many of the Spanish-American countries. The text of the treaty, with protocol, was as follows:

The government of the oriental republic of the Uruguay, the government of his Majesty the Emperor of Brazil, and the government of the Argentine republic — the two last finding themselves at war with the government of Paraguay by its having been declared against them in fact by this government, and the first in a state of hostility, and its internal security menaced by the said government which violated the republic, solemn treaties, and the international usages of civilized nations, and committed unjustifiable acts after having disturbed the relations with its neighbors by the most abusive and aggressive proceedings — persuaded that the peace, security, and well-being of their respective nations is impossible while the actual government of Paraguay exists, and that it is an imperious necessity, called for by the greatest interest, to cause that government to disappear, respecting the sovereignty, independence, and territorial integrity of the republic of Paraguay, have resolved, with this object, to celebrate a treaty of alliance, offensive and defensive, and thereto have appointed to be their plenipotentiaries, to wit: His excellency the provisional governor of the oriental republic of the Uruguay: his excellency Dr. D. Carlos de Castro, his minister secretary of state in the department

of foreign affairs; his Majesty the Emperor of Brazil; his excellency Señor Dr. F. Octaviano de Almeida Rosa, of his council, deputy to the general legislative assembly, and officer of the imperial order of the rose; his excellency the President of the Argentine Confederation; his excellency Señor Dr. D. Rufino de Elizalde, his minister and secretary of state in the department of foreign affairs — who, after having exchanged their respective credentials, which were found to be in good and due form, did agree as follows:

ARTICLE 1. The oriental republic of the Uruguay, his Majesty the Emperor of Brazil, and the Argentine Republic unite in offensive and defensive alliance in the war provoked by the government of Paraguay.

ART. 2. The allies will concur with all the means they can dispose of, by land or on the rivers, according as may be necessary.

ART. 3. The operations of the war being to commence in the territory of the Argentine Republic, or on a part of Paraguayan territory bordering on the same, the command in chief and the direction of the allied armies remains intrusted to the President of the Argentine Republic, general-in-chief of its army, Brigadier General Don Bartolome Mitre.

The maritime forces of the allies will be under the immediate command of Vice Admiral Viscount de Tamandare, commander-in-chief of the squadron of his Majesty the Emperor of Brazil.

The land forces of the oriental republic of the Uruguay, a division of the Argentine forces, and another of the Brazilian forces, to be designated by their respective superior chiefs, will form an army under the immediate orders of the provisional governor of the oriental republic of the Uruguay, Brigadier General Don Venancio Flores.

The land forces of his Majesty the Emperor of Brazil will form an army under the immediate orders of their general-in-chief, Brigadier Manoel Luis Osorio.

Although the high contracting parties are agreed not to change the field of the operations of war, nevertheless, in order to preserve the sovereign rights of the three nations, they do agree from this time, on the principle of reciprocity, for the command in chief, in the event of those operations having to pass over to the oriental or Brazilian territory.

ART. 4. The internal military order and economy of the allied troops will depend solely on their respective chiefs.

The pay, victuals, munitions of war, arms, clothing, equipment,

and means of transport, of the allied troops will be for account of the respective states.

ART. 5. The high contracting parties will afford mutually all the assistance or elements which they may have, and which the others may require, in the form to be agreed upon.

ART. 6. The allies pledge themselves solemnly not to lay down their arms unless by common accord, nor until they shall have overthrown the present government of Paraguay, and not to treat with the enemy separately, nor sign any treaty of peace, truce, armistice, or convention whatsoever, for putting an end to or suspending the war, unless by a perfect agreement of all.

ART. 7. The war not being against the people of Paraguay, but against its government, the allies may admit into a Paraguayan legion all the citizens of that nation who may choose to concur to overthrow the said government, and will furnish them with all the elements they may require, in the form and under the conditions to be agreed upon.

ART. 8. The allies oblige themselves to respect the independence, sovereignty, and territorial integrity of the republic of Paraguay. Consequently, the Paraguayan people may choose their government, and give to themselves the institutions they please, not incorporating it nor asking for a protectorate under any of the allies as a consequence of this war.

ART. 9. The independence, sovereignty, and territorial integrity of the republic of Paraguay shall be guaranteed collectively, in conformity with the foregoing article by the high contracting parties, during the period of five years.

ART. 10. It is agreed between the high contracting parties that the exemptions, privileges, or concessions, which they may obtain from the government of Paraguay, shall be common to all gratuitously, if they be gratuitous, and with the same compensation if they be conditional.

ART. 11. The present government of Paraguay being overthrown, the allies will proceed to make the necessary arrangements with the authority constituted, to insure the free navigation of the rivers Parana and Paraguay in such manner that the regulations or laws of that republic shall not obstruct, hinder, nor burden the transit or direct navigation of the merchantmen and vessels of war of the allied states proceeding to their respective territory, or to territory not belonging to Paraguay, and they will take suitable guarantees for the effectiveness of those arrangements on the base that those regulations

of fluvial police, whether they be for those two rivers, or likewise for the river Uruguay, shall be made by common accord between the allies and such other bordering states as shall, within the term to be agreed upon by the said allies, accept the invitation made to them.

ART. 12. The allies reserve to themselves to concert the measures most suitable in order to guarantee peace with the republic of Paraguay after the overthrow of the present government.

ART. 13. The allies will appoint in due season the plenipotentiaries required to celebrate the arrangements, conventions, or treaties, that may have to be made with the government that shall be established in Paraguay.

ART. 14. The allies will exact from this government payment of the expenses of the war which they have been themselves obliged to accept, as well as reparation and indemnification for the damages and injuries caused to their public and private properties, and to the persons of their citizens, without express declaration of war, and for the damages and injuries committed subsequently, in violation of the principles which govern the laws of war.

The oriental republic of the Uruguay will likewise exact an indemnification proportioned to the damage and injury caused to it by the government of Paraguay through the war into which it is forced to enter to defend its security, threatened by that government.

ART. 15. In a special convention shall be determined the manner and form of liquidating and paying the debt proceeding from the aforesaid causes.

ART. 16. In order to avoid the discussions and wars which questions of boundaries involve, it is established that the allies shall exact from the government of Paraguay that it celebrate definitive boundary treaties with their respective governments upon the following basis: The Argentine Republic shall be divided from the republic of Paraguay by the rivers Parana and Paraguay, until meeting the boundaries of the empire of Brazil, these being on the right margin of the river Paraguay, the Bahia Negra.

The empire of Brazil shall be divided from the republic of Paraguay on the side of the Parana by the first river below the Salto de las Siete Cahidas, which, according to the recent map of Manchez, is the Igurey, and from the mouth of the Igurey and in its course upwards until reaching its source.

On the side of the left bank of the Paraguay, by the river Apa, from its mouth to its source.

In the interior from the summits of the mountain of Maracayú, the streams on the east belonging to Brazil, and those on the west to Paraguay, and drawing lines as straight as possible from the said mountain to the sources of the Apa and of the Igurey.

ART. 17. The allies guarantee to each other reciprocally the faithful fulfilment of the agreements, arrangements, or treaties that are to be celebrated with the government that shall be established in Paraguay, in virtue of what is agreed upon by the present treaty of alliance, which shall always remain in its full force and vigor to the effect that these stipulations be respected and executed by the republic of Paraguay.

In order to obtain this result they do agree that, in the case that one of the high contracting parties should be unable to obtain from the government of Paraguay the fulfilment of what is agreed upon, or that this government should attempt to annul the stipulations adjusted with the allies, the others shall employ actively their exertions to cause them to be respected.

If these exertions should be useless, the allies will concur with all their means in order to make effective the execution of what is stipulated.

ART. 18. This treaty shall be kept secret until the principal object of the alliance shall be obtained.

ART. 19. The stipulations of this treaty that do not require legislative authorization for their ratification shall begin to take effect so soon as they be approved by the respective governments, and the others from the exchange of the ratifications, which shall take place within the term of forty days, counted from the date of said treaty, or sooner if it be possible, which shall be done in the city of Buenos Ayres.

In testimony whereof, the undersigned plenipotentiaries of his excellency the provisional governor of the oriental republic of the Uruguay, of his Majesty the Emperor of Brazil, and of his excellency the President of the Argentine Republic, in virtue of our full powers, do sign this treaty, and do cause to be put thereto our seals, in the city of Buenos Ayres, the first day of May, in the year of our Lord 1865.

C. DE CASTRO
F. OCT. DE ALMEIDA ROSA
RUFINO DE ELIZALDE

PROTOCOL

[Translation.]

Their excellencies the plenipotentiaries of the Argentine Republic, of the oriental republic of Uruguay, and of his Majesty the Emperor of Brazil, being assembled at the department for foreign affairs, agreed:

1. That in fulfilment of the treaty of alliance of this date the fortifications of Humaitá shall be caused to be demolished, and it shall not be permitted that others of an equal nature should be erected, which might impede the faithful execution of that treaty.

2. That it being one of the measures necessary to guarantee peace with the government that shall be established in Paraguay not to leave arms or elements of war, those that are met with shall be divided in equal shares between the allies.

3. That the trophies and booty that may be taken from the enemy shall be divided between the allies who make the capture.

4. That the chiefs in command of the allied armies shall concert measures to carry what is here agreed on into effect.

And they signed this at Buenos Ayres on the first of May, 1865.

CARLOS DE CASTRO
RUFINO DE ELIZALDE
F. OCT. DE ALMEIDA ROSA

RELATIONS BETWEEN MEXICO AND GUATEMALA

125. Boundary Dispute between Mexico and Guatemala

[April 1, 1882. *Papers Relating to the Foreign Relations of the United States, 1883*, 387–388. Published by the United States Department of State.]

The boundary dispute between Mexico and Guatemala had occupied the attention of the governments of these two countries for several years. Through the good offices of the United States government the question was settled amicably. By the Treaty of Washington[1] of September 27, 1882, Guatemala abandoned her claims to the state of Chiapas and the department of Soconusco and her claim for pecuniary indemnity as well. It was further agreed between the two countries that if differences should arise in the effort to determine the exact boundary line, the whole matter was to be laid before a court of arbitration. It was also agreed that if it should be necessary to resort to this method of solving the problem, the president of the United States of North America was to act as arbitrator. These excerpts from the message of President Díaz explain the position of Mexico in the controversy.

Gentlemen of the Chamber of Deputies and Senators:

. . . . . .

The good harmony which has for some time past existed between Mexico and the foreign powers with whom she has relations has been preserved, and has been increased, and we receive from them frequent evidences of their friendly feeling towards us.

[1] The treaty was ratified by Mexico on October 17, 1882, and by Guatemala on December 25 of the same year. The full text of the document is given in *Papers Relating to the Foreign Relations of the United States, 1883*, 649–651.

Our relations with Guatemala continue in the same condition they were in when I gave you an account of them in September last.

When treating of interests of such magnitude it is prudent, without neglecting them, to leave to time that natural influence which it sometimes advantageously exercises in bringing complicated questions to a solution.

I must, therefore, for your information, as well as for that of Mexico and of the Governments of Central America, explain clearly and succinctly what are the aspirations of my administration in our difficulties with Guatemala, and I hope that you will not deny to me the co-operation necessary to bring them to an end.

Perhaps the circumstance that in former times some of the republics which are grouped together in the center of the continent, formed part of the Mexican nation, has given rise to the idea that our republic, stimulated by its actual condition of tranquillity and progress, wishes to possess itself, in whole or in part, of these political entities, which are now sovereign and independent, and annex them to our own territory—a lamentable error which might alienate from us the sympathy of the people thereof, from whom no conflict separates us, and with whom we desire to cultivate and strengthen, if possible, the most disinterested friendship.

When we possess a territory of the greatest richness, washed by two oceans, capable of supporting in prosperity a population of one hundred millions, it would be insensate in us to attempt the conquest of those countries, from which we are separated by great distances, and we would unceasingly repel in them those proper sentiments of liberty and independence which are as firmly rooted in their soil as they are in our own. And I solemnly declare to Congress, and to the nation which it represents, that my administration has no other views with reference to the questions which now exist with the southern republic, than the defence of the territory and dignity of Mexico, and looks only to the establishing of a well-defined boundary which will be adopted by a common accord between Mexico and Guatemala. If the government of that country will renounce the unrealizable idea of reoccupying Chiapas and Soconusco, or of obtaining an indemnity for supposed damages for having been despoiled of the same, the sincerity of the policy which in these few words I have indicated would be soon made apparent.

RELATIONS BETWEEN CHILE, BOLIVIA, AND PERU

126. The War of the Pacific

The growing commercial importance of the guano deposits of the Atacama Desert had its effects on the relations between Chile, Peru, and Bolivia. A large part of the desert was included in Bolivia by the *uti possidetis* of 1810. The interest of certain Chilean capitalists in the exploitation of the guano deposits in Bolivian territory brought about a crisis in the controversy over the boundaries of the three countries. The differences between Chile and Bolivia were temporarily settled by the treaty of August 10, 1866. Peru was naturally concerned in the arrangement made by the other two powers. Her fear of the aggressive policy of Chile led her to seek to alienate Bolivia from Chile. On February 6, 1873, she was able to sign a secret treaty of alliance with Bolivia. The text of the treaty is given in the first document below. The result of this transaction was that the relations between Bolivia and Chile and between Peru and Chile were further embittered. The whole controversy was greatly intensified by the maneuverings of the politicians in the three countries, but more especially in Bolivia. The *coup d'état* of May 4, 1876, by which General Hilarión Daza became president of that country, was the immediate cause of a new crisis in the Chilo-Bolivian relations. In February, 1878, Daza sanctioned an act passed by the Bolivian congress whereby a tax of ten centavos per hundred was to be levied on all the nitrate exported from the Bolivian littoral. This was in direct opposition to the treaty of 1866. The Nitrate Company of Antofagasta, a Chilean concern, protested against this law and appealed to the

government of Chile for protection of its rights. Bolivia, however, persisted in enforcing the law, with the result that Chile declared war against her in February, 1879. Peru refused to pursue a neutral policy in this conflict, and Chile declared war on her also, a few days later. The War of the Pacific, as the struggle is generally called, did not end until October 20, 1883, with the signing of the Treaty of Ancón. This treaty was not ratified, however, until March 28, 1884.

A. THE TREATY OF LIMA

[February 6, 1873. *Arbitration between Peru and Chile. Appendix to the Case of Peru in the Matter of the Controversy arising out of the Question of the Pacific before the President of the United States of America Arbitrator* (1923), II, 35–37. Washington.]

The Republics of Bolivia and Peru, desirous to cement in a solemn manner the bonds that unite them, to increase thus their strength and mutually guarantee one another certain rights, have drawn up the present treaty of defensive alliance; to which end, the President of Bolivia has invested with ample powers to conduct the said negotiation, Juan de la Cruz Benavente, envoy extraordinary and minister plenipotentiary in Peru, and the President of Peru has conferred the same upon José de la Riva-Agüero, minister of foreign affairs, who have agreed upon the following stipulations:

ARTICLE I. The contracting parties will unite and join to mutually guarantee their independence, sovereignty, and the integrity of their respective territory, binding themselves by the terms of the present treaty to defend themselves against all foreign aggressions, whether proceeding from another or other independent state, or from a force without a flag, owing obedience to no recognized power.

ART. II. The alliance will become effective to protect the rights expressed in the preceding article and particularly in cases of offense consisting:

1st. In acts tending to deprive either of the contracting parties of a portion of their territory, in order to assume dominion over it; or to yield it to another power.

2d. In acts tending to oblige either of the contracting parties to

submit to a protectorate, sale or cession of territory, or to establish over it any superiority, right, or pre-eminence whatsoever, which may injure or offend the full and ample exercise of its sovereignty and independence.

3d. In acts tending to do away with or change the form of government, the political constitution or the laws that the contracting parties have made, or may in future make, in the exercise of the sovereignty.

ART. III. As both the contracting parties admit that every legitimate act of alliance is based upon justice, for each of them respectively, the right is established of deciding whether the offense inferred to the other is comprised amongst those mentioned in the preceding article.

ART. IV. The *casus fœderis* once declared, the contracting parties bind themselves to cease immediately their relations with the offending state; to hand their passports to its diplomatic ministers; to cancel the appointments of the consular agents; to forbid the importation of its natural and industrial products, and to close their ports against its ships.

ART. V. The same parties shall also appoint plenipotentiaries to adjust by protocol the arrangements necessary to determine upon the subsidies, the contingents of either sea or land forces, or the aid of whatever kind that must be lent to the republic which has received the offense; the manner in which the forces are to act and the assistance to be lent, and whatever else may be convenient for the defense. The meeting of the plenipotentiaries will take place in the place assigned by the offended party for that purpose.

ART. VI. The contracting parties bind themselves to provide the one offended with the means of defense of which each may consider it can dispose, though the arrangements pointed out in the preceding article may not have taken place, provided that they consider the case urgent.

ART. VII. The *casus fœderis* once declared, the offended party will not be able to make arrangements for peace, truce, or armistice without the concurrence of the ally who may have taken part in the war.

ART. VIII. The contracting parties bind themselves in addition:

1st. To employ with preference, whenever it is possible, every conciliatory measure in order to avoid a rupture or to put an end to the war, holding as the most effective the arbitration of a third power.

2d. Not to admit nor accept from any nation or government protectorate or superiority that may injure and lessen their independence or sovereignty, and not to yield up nor transfer in favor of any nation or government any part whatsoever of their territories, excepting in the cases of better demarkation of limits.

3d. Not to celebrate treaties of limits, or of other territorial arrangements, without the other contracting party first knowing of the same.

ART. IX. The stipulations of the present treaty do not extend to acts performed by political parties or the result of internal disturbance independent of the intervention of foreign governments; inasmuch as the principal object of the present treaty of alliance being the mutual guarantee of the sovereign rights of both nations, none of its clauses must be interpreted in opposition to its primary end.

ART. X. The contracting parties will, separately or collectively, when by subsequent agreement they may consider it convenient, solicit the adhesion of another or other American states to the present treaty of defensive alliance.

ART. XI. The present treaty will be exchanged in Lima or in La Paz, as soon as it is legally perfected, and will remain in full force on the twentieth day after said exchange takes place. Its duration shall be for an indefinite period, each party reserving to itself the right of considering it as no longer existing when such shall be thought convenient.

In such a case the party desiring to annul the treaty must notify the other party of same, and the treaty will no longer have effect on the elapse of forty months from such notification.

In testimony whereof the respective plenipotentiaries signed it in duplicate and sealed it with their private seals.

Done in Lima on the sixth day of the month of February, one thousand eight hundred and seventy-three.

JUAN DE LA CRUZ BENAVENTE
J. DE LA RIVA-AGÜERO

Additional Article. The present treaty of defensive alliance between Bolivia and Peru shall be kept secret so long as the high contracting parties shall mutually agree that its publication is unnecessary.

RIVA-AGÜERO
BENAVENTE

B. THE TREATY OF ANCÓN

[October 20, 1883. *Arbitration between Peru and Chile. Appendix to the Case of Peru in the Matter of the Controversy arising out of the Question of the Pacific before the President of the United States of America Arbitrator* (1923), II, 171–173. Washington.]

The Republic of Chile on the one part and the Republic of Peru on the other, being desirous of reinstating relations of friendship between both countries, have resolved upon celebrating a treaty of peace and friendship, and for the purpose have named and deputed as their Plenipotentiaries the following: His Excellency the President of Chile appoints Don Jovino Novoa, and his Excellency the President of the Republic of Peru, Don José Antonio Lavalle, minister of foreign relations, and Don Mariano Castro Zaldivar, who, after communicating their credentials and having found them to be in proper and due form, have agreed to the following articles:

ARTICLE 1. The relations of peace and friendship between the Republics of Chile and Peru to be reestablished.

ART. 2. The Republic of Peru cedes to the Republic of Chile in perpetuity and unconditionally the territory of the littoral province of Tarapaca, the boundaries of which are, on the north the ravine and River Camarones, on the south the ravine and River Low, on the east the Republic of Bolivia, and on the west the Pacific Ocean.

ART. 3. The territory of the province of Tacna and Arica, bounded on the north by the River Sama from its source in the Cordilleras on the frontier of Bolivia, to its mouth at the sea, on the south by the ravine and River Camarones, on the east by the Republic of Bolivia, and on the west by the Pacific Ocean, shall continue in possession of Chile subject to Chilean laws and authority during a period of ten years, to be reckoned from the date of the ratification of the present treaty of peace.

After the expiration of that term a plebiscitum will decide by popular vote whether the territories of the above-mentioned provinces will remain definitely under the dominion and sovereignty of Chile or continue to form part of Peru. Either of the two countries to which the provinces of Tacna and Arica may remain annexed will pay to the other ten millions of Chile silver dollars or Peruvian soles of the same weight and fineness.

A special protocol, which will be considered as an integral portion of the present treaty, will prescribe the manner in which the plebiscitum is to be carried out, and the terms and time for the payment of the ten millions by the nation which may remain in possession of the provinces of Tacna and Arica.

ART. 4. In compliance with the stipulations of the supreme decree of February 9th, 1882, by which the Government of Chile ordered the sale of one million tons of guano, the net proceeds of which, after deducting the expenses and other disbursements, as referred to in Article 13 of said decree, to be divided in equal parts between the Government of Chile and those creditors of Peru whose claims appear to be guaranteed by lien on the guano. After the sale of the million tons of guano has been effected, referred to in the previous paragraph, the Government of Chile will continue paying over to the Peruvian creditors 50 per cent. of the net proceeds of guano, as stipulated in the above-mentioned Article 13, until the extinction of the debt or the exhaustion of the deposits now being worked.

The proceeds of deposits or beds that may be hereafter discovered in the territories that have been ceded will belong exclusively to Chile.

ART. 5. If, in the territories that remain in possession of Peru, there should be discovered deposits or beds of guano, in order to avoid competition in the sale of the article by the Governments of Chile and Peru, the two Governments, by mutual agreement, will first determine the proportion and conditions to which each of them binds itself in the disposal of the said fertilizer.

The stipulations in the preceding paragraph will also be binding in regard to the existing guano now known and which may remain over in the Lobos Islands when the time comes for delivering up these islands to the Government of Peru, in conformity with the terms of the ninth Article of the present treaty.

ART. 6. The Peruvian creditors, to whom may be awarded the proceeds stipulated in Article 4, must submit themselves, in proving their titles and in other procedures, to the regulations stated in the supreme decree of February 9th, 1882.

ART. 7. The obligation which the Government of Chile accepts, in accordance with the fourth Article, to deliver over 50 per cent. of the net proceeds of guano from the deposits now actually being worked, will be carried out whether the work be done by virtue of the existing

contract for the sale of one million tons or through any other contract, or on account of the Government of Chile.

ART. 8. Beyond the stipulations contained in the preceding articles, and the obligations that the Chilean Government has voluntarily accepted in the supreme decree of March 28th, 1882, which relates to the saltpetre works in Tarapaca, the said Government of Chile will recognize no debts, whatever their nature or source, that will affect the new territories acquired by virtue of this treaty.

ART. 9. The Lobos Islands will remain under the administration of the Government of Chile until the completion of the excavation from existing deposits of the million tons of guano, in conformity with Articles 4 and 7. After this they will be returned to Peru.

ART. 10. The Government of Chile declares that it will cede to Peru, to commence from the date of the constitutional ratification and exchange of the present treaty, the fifty per centum pertaining to Chile from the proceeds of the guano of the Lobos Islands.

ART. 11. Pending a special treaty to be entered upon, mercantile relations shall be maintained on the same footing as before April 5th, 1879.

ART. 12. Indemnities due by Peru to Chileans, who may have suffered damages on account of the war, will be adjudged by a tribunal of arbitration or mixed international commission, to be appointed immediately after the ratification of the present treaty, in the manner established by conventions recently adjusted between Chile and the Governments of England, France and Italy.

ART. 13. The contracting Governments recognize and accept the validity of all administrative and judicial acts during the occupation of Peru arising from the martial jurisdiction exercised by the Government of Chile.

ART. 14. The present treaty to be ratified and the ratifications exchanged in the city of Lima, so soon as possible during a period not exceeding one hundred and sixty days to be reckoned from this date.

In testimony whereof the several Plenipotentiaries have signed this in duplicate and affixed their private seals.

Done in Lima the 20th day of October, in the year of our Lord one thousand eight hundred and eighty-three.

(L.S.) JOVINO NOVOA
(L.S.) J. A. DE LAVALLE
(L.S.) MARIANO CASTRO ZALDIVAR

RELATIONS BETWEEN THE UNITED STATES AND CHILE

127. The *Baltimore* Incident

There had been considerable friction between the Chilean officials and the American legation during the war between the supporters of President Balmaceda and the Chilean congress. The ill-feeling was due to several reasons. It was generally believed by the Congressionalists that Admiral Brown had secretly informed Balmaceda of the movements of their forces. The action of the United States government toward the *Itata*[1] was deeply resented by them, and the protection given by the American legation to certain members of the defeated faction had also given offense. When Captain Schley of the U. S. S. *Baltimore* gave shore leave to one hundred and sixteen petty officers and men on October 15, 1891, a concerted attack was made upon them on the Valparaiso water front. In the affray one petty officer was killed, one sailor later died of his wounds, and several of the other men received injuries. Thirty-six of the sailors were arrested by the Chilean authorities and were cruelly mistreated on their way to prison. The investigation made by Captain Schley showed that there had been little or no effort made by the Chilean police to protect the Americans. It was even claimed that the police had joined in the attack. The conduct of the Chilean national authorities caused resentment at Washington, and drastic measures were taken to secure the necessary redress of grievances. The following excerpts will give the nature of the diplomatic controversy which resulted.

[1] The *Itata*, a vessel in the service of the Congressionalists, was sent to San Diego, California, to obtain a cargo of arms and ammunition. Its cargo was returned.

A. THE ANNUAL MESSAGE OF PRESIDENT HARRISON DEALING WITH THE *BALTIMORE* INCIDENT

[December 9, 1891. *Papers Relating to the Foreign Relations of the United States, 1891*, VIII–IX. Published by the United States Department of State.]

On the 16th of October an event occurred in Valparaiso so serious and tragic in its circumstances and results as to very justly excite the indignation of our people and to call for prompt and decided action on the part of this Government. A considerable number of the sailors of the United States steamship *Baltimore*, then in the harbor of Valparaiso, being upon shore leave and unarmed, were assaulted by armed men nearly simultaneously in different localities in the city. One petty officer was killed outright and seven or eight seamen were seriously wounded, one of whom has since died. So savage and brutal was the assault that several of our sailors received more than two, and one as many as eighteen, stab wounds. An investigation of the affair was promptly made by a board of officers of the *Baltimore*, and their report shows that these assaults were unprovoked, that our men were conducting themselves in a peaceable and orderly manner, and that some of the police of the city took part in the assault and used their weapons with fatal effect, while a few others, with some well-disposed citizens, endeavored to protect our men. Thirty-six of our sailors were arrested, and some of them, while being taken to prison, were cruelly beaten and maltreated. The fact that they were all discharged, no criminal charge being lodged against any one of them, shows very clearly that they were innocent of any breach of the peace.

So far as I have yet been able to learn no other explanation of this bloody work has been suggested than that it had its origin in hostility to these men as sailors of the United States, wearing the uniform of their Government, and not in any individual act or personal animosity. The attention of the Chilean Government was at once called to this affair, and a statement of the facts obtained by the investigation we had conducted was submitted, accompanied by a request to be advised of any other or qualifying facts in the possession of the Chilean Government that might tend to relieve this affair of the appearance of an insult to this Government. The Chilean Government was also advised that if such qualifying facts did not exist this Government would confidently expect full and prompt reparation.

It is to be regretted that the reply of the Secretary for Foreign Affairs of the Provisional Government was couched in an offensive tone. To this no response has been made. This Government is now awaiting the result of an investigation which has been conducted by the criminal court at Valparaiso. It is reported unofficially that the investigation is about completed and it is expected that the result will soon be communicated to this Government, together with some adequate and satisfactory response to the note by which the attention of Chile was called to this incident. If these just expectations should be disappointed or further needless delay intervene, I will, by a special message, bring this matter again to the attention of Congress for such action as may be necessary. The entire correspondence with the Government of Chile will at an early day be submitted to Congress.

B. TELEGRAM FROM MR. BLAINE TO MR. EGAN

[January 21, 1892. *Papers Relating to the Foreign Relations of the United States, 1891*, 307–308. Published by the United States Department of State.]

Department of State, Washington,
January 21, 1892.

I am directed by the President to say to you that he has given careful attention to all that has been submitted by the Government of Chile touching the affair of the assault upon the crew of the U. S. S. *Baltimore* in the city of Valparaiso on the evening of the 16th of October last, and to the evidence of the officers and the crew of that vessel, and of some others who witnessed the affray, and that his conclusions upon the whole case are as follows:

First. That the assault is not relieved of the aspect which the early information of the event gave to it, viz.: That an attack upon the uniform of the U. S. Navy, having its origin and motive in a feeling of hostility to this Government, and not in any act of the sailors or of any of them.

Second. That the public authorities of Valparaiso flagrantly failed in their duty to protect our men, and that some of the police and of the Chilean soldiers and sailors were themselves guilty of unprovoked assaults upon our sailors before and after arrest. He thinks the preponderance of the evidence and the inherent probabilities lead to the conclusion that Riggin was killed by the police or soldiers.

Third. That he is therefore compelled to bring the case back to the position taken by this Government in the note of Mr. Wharton of October 23 last (a copy of which you will deliver with this), and to ask for a suitable apology and for some adequate reparation for the injury done to this Government.

You will assure the Government of Chile that the President has no disposition to be exacting or to ask anything which this Government would not, under the same circumstances, freely concede. He regrets that, from the beginning, the gravity of the questions involved has not apparently been appreciated by the Government of Chile, and that an affair in which two American seamen were killed and sixteen others seriously wounded, while only one Chilean was seriously hurt, should not be distinguished from an ordinary brawl between sailors in which the provocation is wholly personal and the participation limited. No self-respecting government can consent that persons in its service, whether civil or military, shall be beaten and killed in a foreign territory, in resentment of acts done by or imputed to their government without exacting a suitable reparation. The Government of the United States has freely recognized this principle, and acted upon it, when the injury was done by its people to one holding an official relation to a friendly power, in resentment of acts done by the latter. In such cases the United States has not sought for words of the smallest value or of equivocal meaning in which to convey its apology, but has condemned such acts in vigorous terms and has not refused to make other adequate reparation.

But it was not my purpose here to discuss the incidents of this affair, but only to state the conclusions which this Government has reached. We have given every opportunity to the Government of Chile to present any explanatory or mitigating facts and have had due regard to the fact that the Government of Chile was, for a considerable part of the time that has elapsed since October 16, upon a provisional basis.

I am further directed by the President to say that his attention has been called to the note of instructions sent by Mr. Matta, secretary of foreign affairs, to Mr. Montt, under date of the 11th ultimo. Mr. Montt very prudently, and, I must suppose, from a just sense of the offensive nature of the dispatch, refrained from communicating it officially to this Government.

But, in view of the fact that Mr. Montt was directed to give it to

the press of this country, and it was given the widest possible publicity throughout the world, this Government must take notice of it. You are therefore directed to say to the Chilean Government that the expressions therein imputing untruth and insincerity to the President and to the Secretary of the Navy in their official communications to the Congress of the United States are in the highest degree offensive to this Government.

Recognizing the usual rules of diplomatic intercourse and of the respect and courtesy, which should characterize international relations (which he can not assume are wholly unfamiliar to the Chilean foreign office), the President was disposed to regard the dispatch referred to as indicating a purpose to bring about a suspension of diplomatic relations; but, in view of the fact that Mr. Matta was acting provisionally and that a reorganization of the Chilean cabinet was about to take place, and afterwards in further view of the expectation that was held out of a withdrawal and of a suitable apology, notice of this grave offense has been delayed. I am now, however, directed by the President to say that if the offensive parts of the dispatch of the 11th of December are not at once withdrawn, and a suitable apology offered, with the same publicity that was given to the offensive expressions, he will have no other course open to him except to terminate diplomatic relations with the Government of Chile.

Mr. Montt, in a note of January 20, has advised me that he has been directed by his Government to inform the Government of the United States that you are not *persona grata* to the Government of Chile, and to request your recall. This has been laid before the President, and he directs you to say that, in view of the foregoing, he does not deem it necessary to make any present response thereto. It will be quite time to consider this suggestion after a reply to this note is received, as we shall then know whether any correspondence can be maintained with the Government of Chile upon terms of mutual respect.

You will furnish to the minister of foreign affairs a full copy of this note.

C. OFFICIAL NOTE FROM SENOR PEREIRA TO MR. EGAN

[January 25, 1892. *Papers Relating to the Foreign Relations of the United States, 1891*, 310–312. Published by the United States Department of State.]

. . . . . .

Without any intention of opening a discussion as to the facts referred to by the communication, which I have extracted, and confining myself to the first part of the instructions of the honorable Secretary of State, the undersigned must state to your excellency the regret with which the Government of Chile sees that His Excellency the President of the United States finds reason to continue to regard the incident of October as an attack caused by a hostile feeling toward the uniform of the Navy of the United States. That unfortunate occurrence took place on a sudden, in a district where the sailors of the vessels lying in the Bay of Valparaiso are in the habit of assembling, without distinction of nationality.

From the nature of the incident it would be impossible to prove that there was no doubt as to the special cause which served as its origin or pretext; but the undersigned can assert that the cause was not a hostile feeling toward the uniform of the Navy of the United States, because the people of Chile have always esteemed and respected that uniform ever since the time when they saw it figuring honorably in the ranks of the soldiers and sailors who, in a glorious struggle, gave it independence and established the Republic. The undersigned admits that the occurrence of October 16 was of greater gravity than those which usually occur in the same district between the sailors who frequent it, and the fact of knowing that two deaths have resulted from it among the 16 wounded men of the *Baltimore*, has sufficed to give it an extraordinary character, and to induce the Government of Chile to hasten to adopt the measures necessary to discover and punish the guilty parties, and to offer in due time, if there should be grounds for so doing, such reparation as might be due.

. . . . . .

In view of your communication, and considering that, up to date, it has been impossible for the trial initiated by the judge of the criminal court of Valparaiso to be decided, the undersigned regards it as his duty to declare once more that the Government of Chile laments the occurrence of October 16, and by way of showing the sincerity of his

feelings and the confidence which he has in the justice of his cause, he declares his willingness not to await the decision of the examining judge and proposes to the United States Government that the case be submitted to the consideration of the Supreme Court of Justice at Washington, to the end that that high tribunal, with its learning and impartiality, may determine, without appeal, whether there is any ground for reparation and in what shape it should be made.

The undersigned would remind you, referring to the conduct of the Valparaiso authorities, that it appears from the preliminary examination that they sent without delay to the scene of conflict all the forces at their disposal belonging to the special intendencia and to the police. Swanson, Cass, Nichols, Downey, Honner, Cunningham, Williams, Talbot, Hollard, Hodge, Butler, etc., seamen belonging to the crew of the *Baltimore*, stated to the interpreter of that vessel that the object of the police in arresting them was to shelter them from any attempt at attack by the excited people. The undersigned thinks that the action of the police in this matter should be considered with due allowance for the civil war which had recently been brought to a close. The body was not yet properly organized, nor did it have the force that was required to put down a disorder of such proportions in a short time.

In this connection it is proper to recall the words used by the honorable Secretary of State at Washington in his note addressed to the Marquis Imperiali, and bearing date of May 21, 1891: "There is no government, however civilized it may be, however great may be the vigilance displayed by its police, however severe its criminal code may be, and however speedy and inflexible may be its administration of justice, that can guarantee its own citizens against violence growing out of individual malice or a sudden popular tumult." This was precisely the situation of the administrative authorities at Valparaiso on the occasion of the occurrence which took place in October.

. . . . . .

As for the dispatch addressed under date of the 11th of December to the Chilean minister in Washington by the minister of foreign relations of the Provisional Government, the undersigned submits that there could not be on the part of the Government of Chile the purpose to inflict any offense upon the Government of the United States, with

which it desires ever to cultivate the most friendly relations. Consequently the undersigned deplores that in that telegram there were employed through an error of judgment the expressions which are offensive in the judgment of your Government.

. . . . . .

. . . With regard to the suggestion made touching the change of the personnel of your legation to which the instructions of the honorable Secretary refer, it is incumbent upon the undersigned to declare that the Government of Chile will take no positive step without the accord of the Government of the United States, with which it desires to maintain itself in friendly understanding.

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D. TELEGRAM FROM MR. BLAINE TO MR. EGAN RELATIVE TO THE OFFICIAL NOTE OF SEÑOR PEREIRA TO THE LATTER

[January 30, 1892. *Papers Relating to the Foreign Relations of the United States, 1891*, 312–313. Published by the United States Department of State.]

Department of State

By direction of the President, Mr. Blaine instructs Mr. Egan that great pleasure has been given to the people of the United States and to the Executive Department by the receipt of Señor Pereira's telegraphic reply of the 25th of January. He says that it has been communicated to Congress; that the correspondence between the two Republics will be restored to a basis of cordiality; that in the President's belief, it will be easy to reach a full and honorable adjustment of all unsettled matters; that the regret for, and condemnation of, the assault on the sailors of the *Baltimore* expressed by Pereira are gratifying to the President, who presents to the Chilean Government his congratulations upon the frank and ample withdrawal of Señor Matta's telegraphic instructions and upon the spirit of justice displayed toward Mr. Egan. He instructs Mr. Egan to give assurances of the President's readiness to meet the friendly overtures of the Chilean Government in the most generous spirit, and adds that the President will not engage at present in a discussion of the methods suggested by Señor Pereira in the matter of the reparation to be made for the assault upon the American sailors,

because he believes that the usual diplomatic course is now available to that end, and because he has no doubt that the whole matter will soon be brought to a final and honorable conclusion under the sense of justice evinced by Chile.

E. THE ANNUAL MESSAGE OF PRESIDENT HARRISON ANNOUNCING THE AMICABLE SETTLEMENT OF THE *BALTIMORE* INCIDENT

[December 6, 1892. *Papers Relating to the Foreign Relations of the United States, 1892,* XIII. Published by the United States Department of State.]

. . . . . .

Congress at the last session was kept advised of the progress of the serious and for a time threatening differences between the United States and Chile. It gives me now great gratification to report that the Chilean Government, in a most friendly and honorable spirit, has tendered and paid as an indemnity to the families of the sailors of the *Baltimore* who were killed and to those who were injured in the outbreak in the city of Valparaiso the sum of $75,000. This has been accepted, not only as an indemnity for a wrong done, but as a most gratifying evidence that the Government of Chile rightly appreciated the disposition of this Government to act in a spirit of the most absolute fairness and friendliness in our intercourse with that brave people.

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RELATIONS BETWEEN BRAZIL AND ARGENTINA

128. The Misiones Award

[February 5, 1895. *Papers Relating to the Foreign Relations of the United States, 1895*, I, 1–3. Published by the United States Department of State.]

The dispute between the republics of Brazil and Argentina over the territory of Misiones had been of long standing. The land in dispute lay between the Uruguay and Yguazu rivers. Various unsuccessful attempts had been made to settle the question — the last one in 1890, when there was an attempt at the division of the territory. The whole matter was laid before President Harrison in 1892, according to the terms of a treaty between the two countries. The delay in the preparation of the case made it necessary to lay the matter before President Cleveland, who made his award on February 6, 1895. The decision gave the whole territory to Brazil without assigning the reason for the judgment.[1] Both sides accepted the award, which had the following form:

AWARD OF THE PRESIDENT OF THE UNITED STATES OF AMERICA, UNDER THE TREATY OF ARBITRATION CONCLUDED SEPTEMBER 7, 1889, BETWEEN THE ARGENTINE REPUBLIC AND THE EMPIRE (NOW UNITED STATES) OF BRAZIL

The treaty concluded September 7, 1889, between the Argentine Republic and Brazil for the settlement of a disputed boundary question provides, among other things, as follows:

[1] By the census of 1890 all but thirty of the five thousand seven hundred and ninety-three inhabitants of the contested territory were Brazilians, and of the thirty not one was an Argentine.

ARTICLE I. The contention about the right that each one of the high contracting parties judges to have to the territory in dispute between them shall be closed within the term of ninety days, to be counted from the ending of the survey of the land in which the head waters of the rivers Chapeco or Pepiri-guazu and Jangada or San Antonio-guazu are found. The said survey is understood to end the day on which the commissions appointed by virtue of the treaty of September 28, 1885, shall present to their Governments their reports and plans referred to in article 4 of the same treaty.

ART. II. Should the time specified in the preceding article expire without an amicable solution being reached, the question shall be submitted to the arbitration of the President of the United States of America, to whom the high contracting parties shall address themselves within the next sixty days, requesting him to accept that commission.

ART. V. The boundaries shall be established by the rivers that either Brazil or the Argentine Republic has designated, and the arbitrator shall be invited to decide in favor of one of the parties, as he may deem just, and in view of the reasons and the documents they may produce.

ART. VI. The decision shall be pronounced within the term of twelve months, counting from the date of the presentation of the expositions, or from the latest one if the presentation be not made at the same time by both parties. It shall be final and obligatory, and no reason shall be alleged to obstruct its enactment.

The high contracting parties having failed to arrive at an amicable solution within the time stipulated as aforesaid, have, in accordance with the alternative provisions of the treaty, submitted the controverted question to me, Grover Cleveland, President of the United States of America, for arbitration and award under the conditions in said treaty prescribed.

Each party has presented to me within the time and in the manner specified in Article IV of the treaty, an argument, with evidence, documents, and titles in support of its asserted right.

The question submitted to me for decision under the treaty aforesaid is: Which of two certain systems of rivers constitutes the boundary of Brazil and the Argentine Republic in that part of their adjoining territory which lies between the Uruguay and the Yguazu rivers? Each of the designated boundary systems is composed of two rivers hav-

ing their sources near together and flowing in opposite directions, one into the Uruguay and the other into the Yguazu.

The two rivers designated by Brazil as constituting the boundary in question (which may be denominated the Westerly system) are a tributary of the Uruguay and a tributary of the Yguazu, which were marked, recognized, and declared as boundary rivers in 1759 and 1760 by the joint commission appointed under the treaty of January 13, 1750, between Spain and Portugal, to locate the boundary between the Spanish and Portugese possessions in South America. The affluent of the Uruguay is designated in the report of those commissioners as the Pepiri River (sometimes spelled Pepiry). In certain later documents put in evidence it is called the Pepiri-guazu. The opposite river flowing into the Yguazu was named the San Antonio by the said commissioners, and it retains that name.

The two rivers claimed by the Argentine Republic as forming the boundary (which may be denominated the Easterly system) lie more to the east and are by that Republic called the Pequiri-guazu (flow ing into the Uruguay) and the San Antonio-guazu (flowing into the Yguazu). Of these two rivers last aforesaid, the first is by Brazil called the Chapeco and the second the Jangada.

Now, therefore, be it known, that I, Grover Cleveland, President of the United States of America, upon whom the functions of arbitrator have been conferred in the premises, having duly examined and considered the arguments, documents, and evidence to be submitted by the respective parties pursuant to the provisions of said treaty, do hereby make the following decision and award:

That the boundary line between the Argentine Republic and the United States of Brazil, in that part submitted to me for arbitration and decision, is constituted and shall be established by and upon the rivers Pepiri (also called Pepiri-guazu) and San Antonio, to wit, the rivers which Brazil has designated in the argument and documents submitted to me as constituting the boundary, and hereinbefore denominated the Westerly system.

For convenience of identification these rivers may be further described as those recognized, designated, marked, and declared as the Pepiri and San Antonio, respectively, and as the boundary rivers, in the years 1759 and 1760, by the Spanish and Portuguese commissioners in that behalf, appointed pursuant to the treaty of limits concluded

January 13, 1750, between Spain and Portugal, as is recorded in the official report of the said commissioners. The mouth of the affluent of the Uruguay last aforesaid, to wit, the Pepiri (also called Pepiri-guazu), which, with the San Antonio, is hereby determined to be the boundary in question, was reckoned and reported by the said commissioners who surveyed it in 1759 to be one and one-third leagues upstream from the Great Falls (Salto Grande) of the Uruguay, and two-thirds of a league above a smaller affluent on the same side called by the said commissioners the Ytayoa. According to the map and report of the survey made in 1887 by the Brazilian-Argentine joint commission, in pursuance of the treaty concluded September 28, 1885, between the Argentine Republic and Brazil, the distance from the Great Falls of the Uruguay to the mouth of the aforesaid Pepiri (also called Pepiri-guazu) was ascertained and shown to be four and one-half miles as the river flows. The mouth of the affluent of the Yguazu last aforesaid, to wit, the San Antonio, was reckoned and reported by the said commissioners of 1759 and 1760 to be nineteen leagues upstream from the Great Falls (Salto Grande) of the Yguazu, and twenty-three leagues from the mouth of the latter river. It was also by them reported as the second important river that empties itself on the south bank of the Yguazu above its Salto Grande, the San Francisco, about seventeen and one-fourth leagues above the Great Falls, being the first. In the report of the joint survey made in 1788 under the treaty of October 1, 1777, between Spain and Portugal, the location of the San Antonio with reference to the mouth and the Great Falls of the Yguazu agrees with that above stated.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

Done in triplicate at the city of Washington on the fifth day of February in the year one thousand eight hundred and ninety-five, and of the Independence of the United States the one hundred and nineteenth.

GROVER CLEVELAND

[SEAL.]
By the President.
W. Q. GRESHAM,
Secretary of State.

RELATIONS BETWEEN THE UNITED STATES AND GREAT BRITAIN

129. The British-Venezuelan Boundary Dispute

The controversy between Great Britain and Venezuela over the boundary of British Guiana became a source of grave concern to the Venezuelans early in the nineties of the last century. Efforts to settle the differences by arbitration had failed. In the hope of forcing a settlement Venezuela broke off diplomatic relations with Great Britain and appealed to the United States for help. A spirited diplomatic controversy ensued. The British government finally yielded and submitted the questions at issue to a board of arbitrators. The following excerpts will give the position taken by Secretary of State Olney, Lord Salisbury, and President Cleveland in this controversy.

A. LETTER FROM MR. OLNEY TO MR. BAYARD

[Washington, July 20, 1895. *Papers Relating to the Foreign Relations of the United States, 1895*, I, 545–562. Published by the United States Department of State.]

Department of State,
Washington, July 20, 1895.

His Excellency Thomas F. Bayard,
Etc., etc., etc., London.

Sir: I am directed by the President to communicate to you his views upon a subject to which he has given much anxious thought, and respecting which he has not reached a conclusion without a lively sense of its great importance as well as of the serious responsibility involved in any action now to be taken.

. . . . . .

The important features of the existing situation, as shown by the foregoing recital, may be briefly stated.

1. The title to territory of indefinite but confessedly very large extent is in dispute between Great Britain on the one hand and the South American Republic of Venezuela on the other.

2. The disparity in the strength of the claimants is such that Venezuela can hope to establish her claim only through peaceful methods — through an agreement with her adversary either upon the subject itself or upon an arbitration.

3. The controversy, with varying claims on the part of Great Britain, has existed for more than half a century, during which period many earnest and persistent efforts of Venezuela to establish a boundary by agreement have proved unsuccessful.

4. The futility of the endeavor to obtain a conventional line being recognized, Venezuela for a quarter of a century has asked and striven for arbitration.

5. Great Britain, however, has always and continuously refused to arbitrate, except upon the condition of a renunciation of a large part of the Venezuelan claim and of a concession to herself of a large share of the territory in controversy.

6. By the frequent interposition of its good offices at the instance of Venezuela, by constantly urging and promoting the restoration of diplomatic relations between the two countries, by pressing for arbitration of the disputed boundary, by offering to act as arbitrator, by expressing its grave concern whenever new alleged instances of British aggression upon Venezuelan territory have been brought to its notice, the Government of the United States has made it clear to Great Britain and to the world that the controversy is one in which both its honor and its interests are involved and the continuance of which it cannot regard with indifference.

The accuracy of the foregoing analysis of the existing status cannot, it is believed, be challenged. It shows that status to be such that those charged with the interests of the United States are now forced to determine exactly what those interests are and what course of action they require. It compels them to decide to what extent, if any, the United States may and should intervene in a controversy between and primarily concerning only Great Britain and Venezuela, and to decide how far it is bound to see that the integrity of Venezuelan territory is not impaired by the pretensions of its powerful antagonist. Are any such rights and duties devolved upon the United States? If not, the United States has already done all, if not more than all, that a purely

sentimental interest in the affairs of the two countries justifies, and to push its interposition further would be unbecoming and undignified, and might well subject it to the charge of impertinent intermeddling with affairs with which it has no rightful concern. On the other hand, if any such right and duty exist, their due exercise and discharge will not permit of any action that shall not be efficient and that, if the power of the United States is adequate, shall not result in the accomplishment of the end in view. The question thus presented, as a matter of principle and regard being had to the settled national policy, does not seem difficult of solution. Yet the momentous practical consequences dependent upon its determination require that it should be carefully considered, and that the grounds of the conclusion arrived at should be fully and frankly stated.

. . . . . .

That America is in no part open to colonization, though the proposition was not universally admitted at the time of its first enunciation, has long been universally conceded. We are now concerned, therefore, only with that other practical application of the Monroe Doctrine, the disregard of which by an European power is to be deemed an act of unfriendliness towards the United States. The precise scope and limitations of this rule cannot be too clearly apprehended. It does not establish any general protectorate by the United States over other American states. It does not relieve any American state from its obligations as fixed by international law, nor prevent any European power directly interested from enforcing such obligations or from inflicting merited punishment for the breach of them. It does not contemplate any interference in the internal affairs of any American state or in the relations between it and other American states. It does not justify any attempt on our part to change the established form of government of any American state or to prevent the people of such state from altering that form according to their own will and pleasure. The rule in question has but a single purpose and object. It is that no European power or combination of European powers shall forcibly deprive an American state of the right and power of self-government and of shaping for itself its own political fortunes and destinies.

. . . . . .

Is it true, then, that the safety and welfare of the United States are so concerned with the maintenance of the independence of every

American state as against any European power as to justify and require the interposition of the United States whenever that independence is endangered? The question can be candidly answered in but one way. The states of America, South as well as North, by geographical proximity, by natural sympathy, by similarity of governmental institutions, are friends and allies, commercially and politically, of the United States. To allow the subjugation of any of them by an European power is, of course, to completely reverse that situation and signifies the loss of all the advantages incident to their natural relations to us. But that is not all. The people of the United States have a vital interest in the cause of popular self-government. They have secured the right for themselves and their posterity at the cost of infinite blood and treasure. They have realized and exemplified its beneficent operation by a career unexampled in point of national greatness or individual felicity. They believe it to be for the healing of all nations, and that civilization must either advance or retrograde accordingly as its supremacy is extended or curtailed. Imbued with these sentiments, the people of the United States might not impossibly be wrought up to an active propaganda in favor of a cause so highly valued both for themselves and for mankind. But the age of the Crusades has passed, and they are content with such assertion and defence of the right of popular self-government as their own security and welfare demand. It is in that view more than in any other that they believe it not to be tolerated that the political control of an American state shall be forcibly assumed by an European power.

The mischiefs apprehended from such a source are none the less real because not immediately imminent in any specific case, and are none the less to be guarded against because the combination of circumstances that will bring them upon us cannot be predicted. The civilized states of Christendom deal with each other on substantially the same principles that regulate the conduct of individuals. The greater its enlightenment, the more surely every state perceives that its permanent interests require it to be governed by the immutable principles of right and justice. Each, nevertheless, is only too liable to succumb to the temptations offered by seeming special opportunities for its own aggrandizement, and each would rashly imperil its own safety were it not to remember that for the regard and respect of other states it must be largely dependent upon its own strength and power.

Today the United States is practically sovereign on this continent, and its fiat is law upon the subjects to which it confines its interposition. Why? It is not because of the pure friendship or good-will felt for it. It is not simply by reason of its high character as a civilized state, nor because wisdom and justice and equity are the invariable characteristics of the dealings of the United States. It is because, in addition to all other grounds, its infinite resources combined with its isolated position render it master of the situation and practicably invulnerable as against any or all other powers.

All the advantages of this superiority are at once imperiled if the principle be admitted that European powers may convert American states into colonies or provinces of their own. The principle would be eagerly availed of, and every power doing so would immediately acquire a base of military operations against us. What one power was permitted to do could not be denied to another, and it is not inconceivable that the struggle now going on for the acquisition of Africa might be transferred to South America. If it were, the weaker countries would unquestionably be soon absorbed, while the ultimate result might be the partition of all of South America between the various European powers. The disastrous consequences to the United States of such a condition of things are obvious. The loss of prestige, of authority, and of weight in the councils of the family of nations, would be among the least of them. Our only real rivals in peace as well as enemies in war would be found located at our very door. Thus far in our history we have been spared the burdens and evils of immense standing armies and all the other accessories of huge warlike establishments, and the exemption has largely contributed to our national greatness and wealth as well as to the happiness of every citizen. But, with the powers of Europe permanently encamped on American soil, the ideal conditions we have thus far enjoyed cannot be expected to continue. We too must be armed to the teeth, we too must convert the flower of our male population into soldiers and sailors, and by withdrawing them from the various pursuits of peaceful industry we too must practically annihilate a large share of the productive energy of the nation.

. . . . . .

There is, then, a doctrine of American public law, well founded in principle and abundantly sanctioned by precedent, which entitles and

requires the United States to treat as an injury to itself the forcible assumption by an European power of political control over an American state. The application of the doctrine to the boundary dispute between Great Britain and Venezuela remains to be made, and presents no real difficulty. Though the dispute relates to a boundary line, yet, as it is between states, it necessarily imports political control to be lost by one party and gained by the other. The political control at stake, too, is of no mean importance, but concerns a domain of great extent — the British claim, it will be remembered, apparently expanded in two years some 33,000 square miles — and, if it also directly involves the command of the mouth of the Orinoco, it is of immense consequence in connection with the whole river navigation of the interior of South America. It has been intimated, indeed, that in respect of these South American possessions Great Britain is herself an American state like any other, so that a controversy between her and Venezuela is to be settled between themselves as if it were between Venezuela and Brazil or between Venezuela and Colombia and does not call for or justify United States intervention. If this view be tenable at all, the logical sequence is plain.

. . . . . .

You are instructed, therefore, to present the foregoing views to Lord Salisbury by reading to him this communication (leaving with him a copy should he so desire), and to reinforce them by such pertinent considerations as will doubtless occur to you. They call for a definite decision upon the point whether Great Britain will consent or will decline to submit the Venezuelan boundary question in its entirety to impartial arbitration. It is the earnest hope of the President that the conclusion will be on the side of arbitration, and that Great Britain will add one more to the conspicuous precedents she has already furnished in favor of that wise and just mode of adjusting international disputes. If he is to be disappointed in that hope, however — a result not to be anticipated and in his judgment calculated to greatly embarrass the future relations between this country and Great Britain — it is his wish to be made acquainted with the fact at such early date as will enable him to lay the whole subject before Congress in his next annual message.

I am, sir, your obedient servant,

RICHARD OLNEY

B. LETTER FROM LORD SALISBURY TO LORD PAUNCEFOTE

[November 26, 1895. *Papers Relating to the Foreign Relations of the United States, 1895*, I, 563–567. Published by the United States Department of State.]

Foreign Office
November 26, 1895.

Sir, On the 7th of August I transmitted to Lord Gough a copy of the despatch from Mr. Olney which Mr. Bayard had left with me that day, and of which he had read portions to me. I informed him at the time that it could not be answered until it had been carefully considered by the Law Officers of the Crown. I have therefore deferred replying to it till after the recess.

. . . . . .

The contentions set forth by Mr. Olney in this part of his despatch are represented by him as being an application of the political maxims which are well known in American discussion under the name of the Monroe doctrine. As far as I am aware, this doctrine has never been before advanced on behalf of the United States in any written communication addressed to the Government of another nation; but it has been generally adopted and assumed as true by many eminent writers and politicians in the United States. It is said to have largely influenced the government of the country in the conduct of its foreign affairs: though Mr. Clayton, who was Secretary of State under President Taylor, expressly stated that the Administration had in no way adopted it. But during the period that has elapsed since the Message of President Monroe was delivered in 1823, the doctrine has undergone a very notable development, and the aspect which it now presents in the hands of Mr. Olney differs widely from its character when it first issued from the pen of its author. The two propositions which in effect President Monroe laid down were, first, that America was no longer to be looked upon as a field for European colonization; and, secondly, that Europe must not attempt to extend its political system to America, or to control the political condition of any of the American communities who had recently declared their independence.

. . . . . .

The dangers which were apprehended by President Monroe have no relation to the state of things in which we live at the present day. There is no danger of any Holy Alliance imposing its system upon any

portion of the American Continent, and there is no danger of any European State treating any part of the American Continent as a fit object for European colonization. It is intelligible that Mr. Olney should invoke, in defence of the views on which he is now insisting, an authority which enjoys so high a popularity with his own fellow-countrymen. But the circumstances with which President Monroe was dealing, and those to which the present American Government is addressing itself, have very few features in common. Great Britain is imposing no "system" upon Venezuela, and is not concerning herself in any way with the nature of the political institutions under which the Venezuelans may prefer to live. But the British Empire and the Republic of Venezuela are neighbors, and they have differed for some time past, and continue to differ, as to the line by which their dominions are separated. It is a controversy with which the United States have no apparent practical concern. It is difficult, indeed, to see how it can materially affect any State or community outside those primarily interested, except perhaps other parts of Her Majesty's dominions, such as Trinidad. The disputed frontier of Venezuela has nothing to do with any of the questions dealt with by President Monroe. It is not a question of the colonization by a European Power of any portion of America. It is not a question of the imposition upon the communities of South America of any system of government devised in Europe. It is simply the determination of the frontier of a British possession which belonged to the Throne of England long before the Republic of Venezuela came into existence. But even if the interests were so far linked to those of the United States as to give to the latter a *locus standi* in this controversy, their Government apparently have not formed, and certainly do not express, any opinion upon the actual merits of the dispute. The Government of the United States do not say that Great Britain, or that Venezuela, is in the right in the matters that are in issue. But they lay down that the doctrine of President Monroe, when he opposed the imposition of European systems, or the renewal of European colonization, confers upon them the right of demanding that when a European Power has a frontier difference with a South American community, the European Power shall consent to refer that controversy to arbitration; and Mr. Olney states that unless Her Majesty's Government accede to this demand, it will "greatly embarrass the future relations between Great Britain and the United States."

Whatever may be the authority of the doctrine laid down by President Monroe, there is nothing in his language to show that he ever thought of claiming this novel prerogative for the United States. It is admitted that he did not seek to assert a Protectorate over Mexico, or the States of Central and South America. Such a claim would have imposed upon the United States the duty of answering for the conduct of these States, and consequently the responsibility of controlling it. His sagacious foresight would have led him energetically to deprecate the addition of so serious a burden to those which the Rulers of the United States have to bear. It follows of necessity that if the Government of the United States will not control the conduct of these communities, neither can it undertake to protect them from the consequences attaching to any misconduct of which they may be guilty towards other nations. If they violate in any way the rights of another State, or of its subjects, it is not alleged that the Monroe doctrine will assure them the assistance of the United States in escaping from any reparation which they may be bound by international law to give. Mr. Olney expressly disclaims such an inference from the principles he lays down.

But the claim which he founds upon them is that, if any independent American State advances a demand for territory of which its neighbor claims to be the owner, and that neighbor is the colony of a European State, the United States have a right to insist that the European State shall submit the demand, and its own impugned rights to arbitration.

. . . . . .

The Government of the United States is not entitled to affirm as a universal proposition, with reference to a number of independent States for whose conduct it assumes no responsibility, that its interests are necessarily concerned in whatever may befall those States simply because they are situated in the Western Hemisphere. It may well be that the interests of the United States are affected by something that happens to Chile or to Peru, and that that circumstance may give them the right of interference; but such a contingency may equally happen in the case of China or Japan, and the right of interference is not more extensive or more assured in the one case than in the other.

Though the language of President Monroe is directed to the attainment of objects which most Englishmen would agree to be salutary, it is impossible to admit that they have been inscribed by any adequate authority in the code of international law; and the danger which such

admission would involve is sufficiently exhibited both by the strange development which the doctrine has received at Mr. Olney's hands, and the arguments by which it is supported, in the despatch under reply. In defence of it he says:

> That distance and 3000 miles of intervening ocean *make any permanent political union between a European and an American State unnatural and inexpedient* will hardly be denied. But physical and geographical considerations are the least of the objections to such a union. Europe has a set of primary interests which are peculiar to herself; America is not interested in them, and ought not to be vexed or complicated with them.

And, again:

> Thus far in our history we have been spared the burdens and evils of immense standing armies, and all other accessories of huge warlike establishments; and the exemption has highly contributed to our national greatness and wealth, as well as to the happiness of every citizen. But *with the Powers of Europe permanently encamped on American soil*, the ideal conditions we have thus far enjoyed cannot be expected to continue.

The necessary meaning of these words is that the union between Great Britain and Canada; between Great Britain and Jamaica and Trinidad; between Great Britain and British Honduras or British Guiana are "inexpedient and unnatural." President Monroe disclaims any such inference from his doctrine; but in this, as in other respects, Mr. Olney develops it. He lays down the inexpedient and unnatural character of the union between a European and an American State as so obvious that it "will hardly be denied." Her Majesty's Government are prepared emphatically to deny it on behalf of both the British and American people who are subject to her Crown. They maintain that the union between Great Britain and her territories in the Western Hemisphere is both natural and expedient. They fully concur with the view which President Monroe apparently entertained, that any disturbance of the existing territorial distribution in that hemisphere by any fresh acquisitions on the part of any European State would be a highly inexpedient change. But they are not prepared to admit that the recognition of that expediency is clothed with the sanction which belongs to a doctrine of international law. They are not prepared to admit that the interests of the United States are necessarily concerned in every frontier dispute which may arise between any two of the States who possess dominion in the Western Hemisphere; and still less can they accept the doctrine that the

United States are entitled to claim that the process of arbitration shall be applied to any demand for the surrender of territory which one of those States may make against another.

I have commented in the above remarks only upon the general aspect of Mr. Olney's doctrines, apart from the special considerations which attach to the controversy between the United Kingdom and Venezuela in its present phase. This controversy has undoubtedly been made more difficult by the inconsiderate action of the Venezuelan Government in breaking off relations with Her Majesty's Government, and its settlement has been correspondingly delayed; but Her Majesty's Government have not surrendered the hope that it will be adjusted by a reasonable arrangement at an early date.

I request that you will read the substance of the above despatch to Mr. Olney, and leave him a copy if he desires it.

S.

C. PRESIDENT CLEVELAND'S SPECIAL MESSAGE TO CONGRESS

[December 17, 1895. James D. Richardson, *A Compilation of the Messages and Papers of the Presidents, 1789–1902*, VIII, 6087–6090.]

Executive Mansion,
December 17, 1895.

To the Congress:

In my annual message addressed to the Congress on the 3d instant I called attention to the pending boundary controversy between Great Britain and the Republic of Venezuela and recited the substance of a representation made by this Government to Her Britannic Majesty's Government suggesting reasons why such dispute should be submitted to arbitration for settlement and inquiring whether it would be so submitted.

The answer of the British Government, which was then awaited, has since been received, and, together with the despatch to which it is a reply, is hereto appended.

. . . . . .

Without attempting extended argument in reply to these positions, it may not be amiss to suggest that the doctrine upon which we stand is strong and sound, because its enforcement is important to our peace and safety as a nation and is essential to the integrity of our free

institutions and the tranquil maintenance of our distinctive form of government. It was intended to apply to every stage of our national life and cannot become obsolete while our Republic endures. . . .

. . . . . .

If a European power by an extension of its boundaries takes possession of the territory of one of our neighboring Republics against its will and in derogation of its rights, it is difficult to see why to that extent such European power does not thereby attempt to extend its system of government to that portion of this continent which is thus taken. This is the precise action which President Monroe declared to be "dangerous to our peace and safety," and it can make no difference whether the European system is extended by an advance of frontier or otherwise.

. . . . . .

In the belief that the doctrine for which we contend was clear and definite, that it was founded upon substantial considerations and involved our safety and welfare, that it was fully applicable to our present conditions and to the state of the world's progress, and that it was directly related to the pending controversy, and without any conviction as to the final merits of the dispute, but anxious to learn in a satisfactory and conclusive manner whether Great Britain sought under a claim of boundary to extend her possessions on this continent without right, or whether she merely sought possession of territory fairly within her lines of ownership, this Government proposed to the Government of Great Britain a resort to arbitration as the proper means of settling the question, to the end that a vexatious boundary dispute between the two contestants might be determined and our exact standing and relation in respect to the controversy might be made clear.

It will be seen from the correspondence herewith submitted that this proposition has been declined by the British Government upon grounds which in the circumstances seem to me to be far from satisfactory. It is deeply disappointing that such an appeal, actuated by the most friendly feelings towards both nations directly concerned, addressed to the sense of justice and to the magnanimity of one of the great powers of the world, and touching its relations to one comparatively weak and small, should have produced no better results.

The course of this Government in view of the present condition does

not appear to admit of serious doubt. Having labored faithfully for many years to induce Great Britain to submit this dispute to impartial arbitration, and having been now finally apprized of her refusal to do so, nothing remains but to accept the situation, to recognize its plain requirements and deal with it accordingly. Great Britain's present proposition has never thus far been regarded as admissible by Venezuela, though any adjustment of the boundary which that country may deem for her advantage and may enter into of her own free will cannot of course be objected to by the United States.

Assuming, however, that the attitude of Venezuela will remain unchanged, the dispute has reached such a stage as to make it now incumbent upon the United States to take measures to determine with sufficient certainty for its justification what is the true divisional line between the Republic of Venezuela and British Guiana. The inquiry to that end should of course be conducted carefully and judicially, and due weight should be given to all available evidence, records, and facts in support of the claims of both parties.

In order that such an examination should be prosecuted in a thorough and satisfactory manner, I suggest that the Congress make an adequate appropriation for the expenses of a commission, to be appointed by the Executive, who shall make the necessary investigation and report upon the matter with the least possible delay. When such report is made and accepted it will, in my opinion, be the duty of the United States to resist by every means in its power as a wilful aggression upon its rights and interests, the appropriation by Great Britain of any lands or the exercise of governmental jurisdiction over any territory which after investigation we have determined of right belongs to Venezuela.

In making these recommendations I am fully alive to the responsibility incurred and keenly realize all the consequences that may follow.

I am, nevertheless, firm in my conviction that while it is a grievous thing to contemplate the two great English-speaking peoples of the world as being otherwise than friendly competitors in the onward march of civilization and strenuous and worthy rivals in all the arts of peace, there is no calamity which a great nation can invite which equals that which follows a supine submission to wrong and injustice and the consequent loss of national self-respect and honor, beneath which are shielded and defended a people's safety and greatness.

GROVER CLEVELAND

130. The Platt Amendment to the Constitution of Cuba

[June 13, 1901. *House Documents*, 57th Congress, 1st Session, 1901–1902, II, 126–127. Also in *Translation of the Proposed Constitution for Cuba, the Official Acceptance of the Platt Amendment, and the Electoral Law*, 23–24. Published by the Division of Insular Affairs, War Department, November, 1901. Washington.]

The Constitutional Convention of Cuba began its sessions at Havana on November 5, 1900. The fundamental law which that body adopted on February 21, 1901, failed to state what the future relations between the United States and Cuba should be. There was accordingly inserted in the army appropriation bill in the Congress of the United States certain clauses describing these relations. The Cuban Constitutional Convention tried in vain to modify these clauses, and on June 12, 1901, made them a part of its constitution. The so-called Platt Amendment (the clauses were inserted at the instance of Senator Platt) is given in full below. It is in the form of a letter from Señor Domingo Méndez Capote, president of the convention, to General Leonard Wood, military governor of Cuba.

Havana, June 13, 1901

Honorable Military Governor of Cuba.

Honorable Sir: Replying to your official letter dated on the eighth (8th), whereby you forward to the undersigned the report of the Honorable the Secretary of War, dated May 31st last, I have the honor to advise you that at the session held yesterday, June 12th, by the Constitutional Convention, there was taken the following

Resolution:

The Constitutional Convention, in conformity with the order from the military governor of the island, dated July 25th, 1900, whereby

said convention was convened, has determined to add, and does hereby add, to the Constitution of the Republic of Cuba, adopted on the 21st of February ultimo, the following

Appendix.

ARTICLE I. The Government of Cuba shall never enter into any treaty or other compact with any foreign power or powers which will impair or tend to impair the independence of Cuba, nor in any way authorize or permit any foreign power or powers to obtain by colonization or for naval or military purposes, or otherwise, lodgement or control over any portion of said island.

ART. II. That said Government shall not assume or contract any public debt to pay the interest upon which, and to make reasonable sinking-fund provision for the ultimate discharge of which the ordinary revenues of the Island of Cuba, after defraying the current expenses of the Government, shall be inadequate.

ART. III. That the Government of Cuba consents that the United States may exercise the right to intervene for the preservation of Cuban independence, the maintenance of a government adequate for the protection of life, property, and for discharging the obligations with respect to Cuba imposed by the Treaty of Paris on the United States, now to be assumed and undertaken by the Government of Cuba.

ART. IV. That all the acts of the United States in Cuba during the military occupancy of said island shall be ratified and held as valid, and all the rights legally acquired by virtue of said acts shall be maintained and protected.

ART. V. That the Government of Cuba will execute, and, as far as necessary, extend the plans already devised, or other plans to be agreed upon, for the sanitation of the cities of the island, to the end that a recurrence of epidemic and infectious diseases may be prevented, thereby assuring protection to the people and commerce of Cuba, as well as to the commerce of the Southern parts of the United States and the people residing therein.

ART. VI. The Island of Pines shall be omitted from the boundaries of Cuba specified in the Constitution, the title of ownership thereof being left to future adjustment by treaty.

ART. VII. To enable the United States to maintain the independence of Cuba, and to protect the people thereof, as well as for its own

defence, the Cuban Government will sell or lease to the United States the lands necessary for coaling or naval stations, at certain specified points, to be agreed upon with the President of the United States.

ART. VIII. The Government of Cuba will embody the foregoing provisions in a permanent treaty with the United States.

With the testimony of our greatest consideration, very respectfully, the President,

DOMINGO MÉNDEZ CAPOTE

131. LETTER FROM SEÑOR DRAGO TO SEÑOR MEROU ON THE FORCEFUL COLLECTION OF PUBLIC DEBTS

[December 29, 1902. *Papers Relating to the Foreign Relations of the United States, 1903* (1904), 1–5. Published by the Department of State. Washington.]

In the letter given below Señor Luis M. Drago, Argentine minister of foreign relations and worship, made certain observations to the Argentine ambassador to the United States, Señor Merou, on the nature of the controversy between Venezuela and Great Britain, Germany, and Italy. The sources of the views expressed in the letter are to be found in the writings of the celebrated Argentine jurist Dr. Cárlos Calvo. The two most famous works of this author are *Tratados de la América-Latina* (*Treaties of Latin-America*) and *Derecho internacional* (*International Law*). The letter contained the basic principles of what came to be called the Calvo-Drago Doctrine.

Argentine Republic.
Ministry of Foreign Relations and Worship,
Buenos Aires, December 29, 1902.

Mr. Minister: I have received your excellency's telegram of the 20th instant concerning the events that have lately taken place between the Government of the Republic of Venezuela and the Governments of Great Britain and Germany. According to your excellency's information the origin of the disagreement is, in part, the damages suffered by subjects of the claimant nations during the revolutions and wars that have recently occurred within the boundaries of the Republic mentioned, and in part also to the fact that certain payments on the external debt of the nation have not been met at the proper time.

Leaving out of consideration the first class of claims the adequate adjustment of which it would be necessary to consult the laws of the several countries, this Government has deemed it expedient to transmit to your excellency some considerations with reference to the forcible collection of the public debt suggested by the events that have taken place.

At the outset it is to be noted in this connection that the capitalist who lends his money to a foreign state always takes into account the resources of that country and the probability, greater or less, that the obligation contracted will be fulfilled without delay.

All governments thus enjoy different credit according to their degree of civilization and culture and their conduct in business transactions; and these conditions are measured and weighed before making any loan, the terms being made more or less onerous in accordance with the precise data concerning them which banks always have on record.

In the first place the lender knows that he is entering into a contract with a sovereign entity, and it is an inherent qualification of all sovereignty that no proceedings for the execution of a judgment may be instituted or carried out against it, since this manner of collection would compromise its very existence and cause the independence and freedom of action of the respective government to disappear.

Among the fundamental principles of public international law which humanity has consecrated, one of the most precious is that which decrees that all states, whatever be the force at their disposal, are entities in law, perfectly equal one to another, and mutually entitled by virtue thereof to the same consideration and respect.

The acknowledgment of the debt, the payment of it in its entirety, can and must be made by the nation without diminution of its inherent rights as a sovereign entity, but the summary and immediate collection at a given moment, by means of force, would occasion nothing less than the ruin of the weakest nations, and the absorption of their governments, together with all the functions inherent in them, by the mighty of the earth. The principles proclaimed on this continent of America are otherwise. "Contracts between a nation and private individuals are obligatory according to the conscience of the sovereign, and may not be the object of compelling force," said the illustrious Hamilton. "They confer no right of action contrary to the sovereign will."

The United States has gone very far in this direction. The eleventh

amendment to its Constitution provided in effect, with the unanimous assent of the people, that the judicial power of the nation should not be extended to any suit in law or equity prosecuted against one of the United States by citizens of another State, or by citizens or subjects of any foreign State. The Argentine Government has made its provinces indictable, and has even adopted the principle that the nation itself may be brought to trial before the supreme court on contracts which it enters into with individuals.

What has not been established, what could in no wise be admitted, is that, once the amount for which it may be indebted has been determined by legal judgment, it should be deprived of the right to choose the manner and the time of payment, in which it has as much interest as the creditor himself, or more, since its credit and its national honor are involved therein.

This is in no wise a defense for bad faith, disorder, and deliberate and voluntary insolvency. It is intended merely to preserve the dignity of the public international entity which may not thus be dragged into war with detriment to those high ends which determine the existence and liberty of nations.

The fact that collection can not be accomplished by means of violence does not, on the other hand, render valueless the acknowledgment of the public debt, the definite obligation of paying it.

The State continues to exist in its capacity as such, and sooner or later the gloomy situations are cleared up, resources increase, common aspirations of equity and justice prevail, and the most neglected promises are kept.

The decision, then, which declares the obligation to pay a debt, whether it be given by the tribunals of the country or by those of international arbitration, which manifest the abiding zeal for justice as the basis of the political relations of nations, constitutes an indisputable title which can not be compared to the uncertain right of one whose claims are not recognized and who sees himself driven to appeal to force in order that they may be satisfied.

As these are the sentiments of justice, loyalty, and honor which animate the Argentine people and have always inspired its policy, your excellency will understand that it has felt alarmed at the knowledge that the failure of Venezuela to meet the payments of its public debt is given as one of the determining causes of the capture of its fleet,

the bombardment of one of its ports, and the establishment of a rigorous blockade along its shores. If such proceedings were to be definitely adopted they would establish a precedent dangerous to the security and the peace of the nations of this part of America.

The collection of loans by military means implies territorial occupation to make them effective, and territorial occupation signifies the suppression or subordination of the governments of the countries on which it is imposed.

Such a situation seems obviously at variance with the principles many times proclaimed by the nations of America, and particularly with the Monroe doctrine, sustained and defended with so much zeal on all occasions by the United States, a doctrine to which the Argentine Republic has heretofore solemnly adhered.

Among the principles which the memorable message of December 2, 1823, enunciates, there are two great declarations which particularly refer to these republics, viz. "The American continents are henceforth not to be considered as subjects for colonization by any European powers," and ". . . with the governments . . . whose independence we have . . . acknowledged, we could not view any interposition for the purpose of oppressing them or controlling in any other manner their destiny by any European power in any other light than as the manifestation of an unfriendly disposition toward the United States."

The right to forbid new colonial dominions within the limits of this continent has been many times admitted by the public men of England. To her sympathy is due, it may be said, the great success which the Monroe doctrine achieved immediately on its publication. But in very recent times there has been observed a marked tendency among the publicists and in the various expressions of European opinion to call attention to these countries as a suitable field for future territorial expansion. Thinkers of the highest order have pointed out the desirability of turning in this direction the great efforts which the principal powers of Europe have exerted for the conquest of sterile regions with trying climates and in remote regions of the earth. The European writers are already many who point to the territory of South America, with its great riches, its sunny sky, and its climate propitious for all products, as, of necessity, the stage on which the great powers, who have their arms and implements of conquest already prepared, are to struggle for the supremacy in the course of this century.

The human tendency to expansion, thus inflamed by the suggestions of public opinion and the press, may, at any moment, take an agressive direction, even against the will of the present governing classes. And it will not be denied that the simplest way to the setting aside and easy ejectment of the rightful authorities by European governments is just this way of financial interventions — as might be shown by many examples. We in no wise pretend that the South American nations are, from any point of view, exempt from the responsibilities of all sorts which violations of international law impose on civilized peoples. We do not nor can we pretend that these countries occupy an exceptional position in their relations with European powers, which have the indubitable right to protect their subjects as completely as in any other part of the world against the persecutions and injustices of which they may be the victims. The only principle which the Argentine Republic maintains and which it would, with great satisfaction, see adopted, in view of the events in Venezuela, by a nation that enjoys such great authority and prestige as does the United States, is the principle, already accepted, that there can be no territorial expansion in America on the part of Europe, nor any oppression of the peoples of this continent, because an unfortunate financial situation may compel some one of them to postpone the fulfillment of its promises. In a word, the principle which she would like to see recognized is: that the public debt can not occasion armed intervention nor even the actual occupation of the territory of American nations by a European power.

The loss of prestige and credit experienced by States which fail to satisfy the rightful claims of their lawful creditors brings with it difficulties of such magnitude as to render it unnecessary for foreign intervention to aggravate with its oppression the temporary misfortunes of insolvency.

The Argentine Government could cite its own example to demonstrate the needlessness of armed intervention in these cases.

The payment of the English debt of 1824 was spontaneously resumed by her after an interruption of thirty years, occasioned by the anarchy and the disturbances which seriously affected the country during this period, and all the back payments and all the interest payments were scrupulously made without any steps to this end having been taken by the creditors.

Later on a series of financial happenings and reverses completely beyond the control of her authorities compelled her for the moment to suspend the payment of the foreign debt. She had, however, the firm and fixed intention of resuming the payments as soon as circumstances should permit, and she did so actually some time afterwards, at the cost of great sacrifices, but of her own free will and without the interference or the threats of any foreign power. And it has been because of her perfectly scrupulous, regular, and honest proceedings, because of her high sentiment of equity and justice so fully demonstrated, that the difficulties undergone, instead of diminishing, have increased her credit in the markets of Europe. It may be affirmed with entire certainty that so flattering a result would not have been obtained had the creditors deemed it expedient to intervene with violence at the critical financial period, which was thus passed through successfully. We do not nor can we fear that such circumstances will be repeated.

At this time, then, no selfish feeling animates us, nor do we seek our own advantage in manifesting our desire that the public debt of States should not serve as a reason for an armed attack on such States. Quite as little do we harbor any sentiment of hostility with regard to the nations of Europe. On the contrary, we have maintained with all of them since our emancipation the most friendly relations, especially with England, to whom we have recently given the best proof of the confidence which her justice and equanimity inspire in us by intrusting to her decision the most important of our international questions, which she has just decided, fixing our limits with Chile after a controversy of more than seventy years.

We know that where England goes civilization accompanies her, and the benefits of political and civil liberty are extended. Therefore we esteem her, but this does not mean that we should adhere with equal sympathy to her policy in the improbable case of her attempting to oppress the nationalities of this continent which are struggling for their own progress, which have already overcome the greatest difficulties and will surely triumph — to the honor of democratic institutions. Long, perhaps, is the road that the South American nations still have to travel. But they have faith enough and energy and worth sufficient to bring them to their final development with mutual support.

And it is because of this sentiment of continental brotherhood and because of the force which is always derived from the moral support of a whole people that I address you, in pursuance of instructions from His Excellency the President of the Republic, that you may communicate to the Government of the United States our point of view regarding the events in the further development of which that Government is to take so important a part, in order that it may have it in mind as the sincere expression of the sentiments of a nation that has faith in its destiny and in that of this whole continent, at whose head march the United States, realizing our ideals and affording us examples.

Please accept, etc.

LUIS M. DRAGO

132. THE AWARD OF HIS MAJESTY EDWARD VII, KING OF GREAT BRITAIN AND IRELAND, EMPEROR OF INDIA, IN THE BOUNDARY QUESTION BETWEEN THE ARGENTINE REPUBLIC AND CHILE

[November 20, 1902. *Monthly Bulletin of the International Bureau of the American Republics*, XIV (1903), 1–2. Reprinted by permission of the Pan-American Union.]

The boundary dispute between Argentina and Chile had been of long standing; in fact, it had begun as soon as the two countries became independent. In 1884 the frontier had been established with the highest peaks of the Andes as the division line. Differences arose over the exact interpretation of this line of demarcation. In 1895 the relations between the two republics became very strained, and both began active preparations for war; but this calamity was averted, and the surveys were continued. In 1898 a violent dispute arose over the boundary in the district known as Puna de Atacama. Chile sent an ultimatum demanding arbitration. General Julio A. Roca had been elected president of Argentina. He had served as president from 1880 to 1886 and as secretary of the interior from 1890 to 1892. He accepted arbitration as a means of solving the whole boundary dispute. Edward VII of England was accordingly chosen to arbitrate the boundary dispute south of Puna de Atacama, and

a commission of three for the northern boundary. The finding of Edward VII is given in the document below:

ARTICLE 1. The boundary in the region of the San Francisco Pass shall be formed by the line water of parting extending from the pillar already erected on the pass to the summit of mountain Tres Cruces.

ART. 2. The basin of Lake Lacar is awarded to Argentina.

ART. 3. From Perez Rosales Pass, near the north of Lake Nahuelhuapi, to the vicinity of Lake Biedma the boundary shall pass by Mount Tronador, thence to river Palena by the line water parting determined by certain obligatory points which we fixed upon rivers Manso, Puelo, Funtaleufu, and Palena or Carreleufu, awarding to Argentina the upper basins of these rivers above the points which we fixed, including valleys Villegas, Nuevo, Cholila, Colonia 16 de Octubre, Frio, Huemales, Corcovado, and awarding to Chile the lower basins below these points. From the fixed point on the river Palena the boundary shall follow the river Encuentro to peak Virjen; thence to the line which we fixed, crossing Lake General Paz; thence by the line water parting determined by the point which we fixed upon river Pico; from whence the boundary shall ascend to the principal water parting of the South American continent at Loma Baguales, and follow that water parting to the summit known as La Galena. From this point the boundary shall follow certain tributaries of the river Simpson or Southern Aisen, which we fixed, and attain peak Apywan, from whence it follows the water parting determined by the point which we fixed on the promontory from the northern shore of Lake Buenos Aires.

The upper basin of the river Pico thus is awarded to Argentina, and the lower basin to Chile.

The whole basin of the river Cisnes or Frias is awarded to Chile; also the whole basin of the Aisen, with exception of the tract at the headwaters of the southern branch, including the settlement Koslowsky, which is awarded to Argentina.

The further boundary is determined by lines which we fixed across lakes Buenos Aires, Pueyrredon or Cochrane, and San Martin, thus assigning the western portions of the basins of these lakes to Chile and the eastern portions to Argentina, the dividing ranges carrying mounts San Lorenzo and Fitz-Roy. From Mount Fitz-Roy to Mount Stokes the frontier is already determined.

ART. 4. From the vicinity of Mount Stokes to the fifty-second parallel south latitude the boundary shall first follow the continental water parting defined by Sierra Baguales, diverging from the latter southwards across the river Vizcachas to Mount Cazador, at the south-eastern extremity of which range crosses the river Guillermo and rejoins the continental water parting to the east of Mount Solitario, following to the fifty-second parallel, from which point the frontier is already defined.

ART. 5. A more detailed definition of the frontier will be found in the report submitted to us by our tribunal and upon the maps furnished by the experts of the Republics of Argentina and Chile, upon which the boundary which we have decided upon has been delineated by the members of our tribunal and approved by us.

Given in triplicate under our hand and seal at our Court of Saint James this twentieth day of November, 1902, in the second year of our reign.

EDWARD VII

133. THE CONTROVERSY BETWEEN BRAZIL AND BOLIVIA OVER ACRE

[December 27, 1903. *Brazil and Bolivia Boundary Settlement. Treaty for the Exchange of Territories and Other Compensations, signed at Petropolis, November 17, 1903, together with the Report of Baron Rio Branco, Minister for Foreign Relations of Brazil* (1904), 9–19, 30–34. Published by The Knickerbocker Press, New York.]

The controversy between Brazil and Bolivia over Acre was one of long standing. The Baron Rio Branco, the minister for foreign relations of Brazil, was determined to forestall any effort of a foreign power to gain control of economic forces in the territory of Acre that might prove dangerous to the larger welfare of his country. He began a series of brilliant negotiations with Bolivia, the result of which was the Treaty of Petropolis, November 17, 1903. The terms of the treaty and the importance of the solution of the whole question at issue are set forth in the following report of Baron Rio Branco to the president of Brazil:

Department of Foreign Relations,
Rio de Janeiro, December 27, 1903.

To the President of the Republic:

. . . . . .

The so-called territory of Acre, or more correctly Aquiry, the principal cause and object of the present agreement, is, like all the immense region watered by the southern affluents of the Amazon to the east of the Javary, a geographical dependency of Brazil. Easy access to these territories can be had only by the fluvial waters of the Amazon system, and for this reason they were long ago discovered and exclusively peopled and rendered valuable by our citizens. To the south of the geodetic line, drawn from the confluence of the Bení with the Mamoré to the source of the Javary, there are now more than 60,000 Brazilians who work on the banks and in the neighboring forests of the upper Purús and its tributaries, among which are the Acre, the Hyuaco or Yaco, the Chandless, and the Manoel Urbano, and, in those of upper Juruá, including its most southern affluents, the Moa, Juruá-Mirim, Amonea, Tejo, and Breu.

In the territory of the upper Acre, to the south of Caquetá, there are about 20,000 inhabitants of Brazilian nationality, principally engaged in the industry of gathering India rubber. Such is the calculation — and it accords with that of other persons who are familiar with these regions — which I find in a recent official report of a Bolivian official who resided there by commission of his Government.

When in 1867 we negotiated with Bolivia the first boundary treaty, the valleys of the upper Purús and upper Juruá were not peopled, but we had an indisputable right to them in all their extent. The preliminary treaty of 1777 between the Crowns of Portugal and Spain was annulled by reason of the war of 1801 and of the fact that it was not restored by the peace of Badajoz. There did not exist, therefore, any conventional right; and as we had in fact effectively occupied, since the beginning of the eighteenth century, the right bank of the Solimoes, and had besides controlled the banks of the lower course of its affluents, we had a title which comprised the sources of them all, there being no neighbor that could oppose to us a title based on effective occupation of the upper course. Our right was the same as that which is derived from the occupation of a maritime coast, and which is applied to the valleys of the rivers that flow into it; the right maintained

by Monroe and Pinckney in 1805, and later inculcated by Twiss, Phillimore, and nearly all the other modern masters of international law.

In the Madeira, the case is different. We possessed all its lower course, the eastern bank of a small section of the Mamoré, and the eastern bank of the Guaporé to its confluent, the Paragahu, and controlled the latter's right bank; but the Bolivians effectively occupied the La Paz River, a tributary of the Bení, which is the upper Madeira.

For the establishment of the boundaries in the treaty of 1867, the basis of the *uti possidetis* was adopted, the basis on which were founded all similar agreements concluded by us with neighboring republics; and instead of establishing natural or arcifinious frontiers, following the line of the *divortium aquarium*, which would leave us in complete possession of all the tributaries of the Solimoes, it was admitted, to the advantage of Bolivia, that the right resulting from the possession or from the spheres of influence of the peoples could reasonably be determined by the parallel of the confluence of the Bení and Mamoré, that is to say, by that of 10° 20′, from that point on the east to the Javary on the west, the source of which was supposed to be in a more southerly latitude. For this reason Article II, in its penultimate paragraph, established the boundary along this line parallel to the Equator, and in the next paragraph made use of the expression "line east to west."

. . . . . .

At that time,[1] when the boundary had not yet been completely run, Brazilians began to pass through the upper Purús, upper Juruá, and their tributaries. In 1899, when the Bolivian Government first sought to assert its sovereignty in Acre, the Brazilian population which had in good faith settled there was as numerous as it is at present. Then began the revolt of those Brazilians against the Bolivian rule, and here among ourselves the periodic commotions caused by the events in Acre.

. . . . . .

By the present treaty Brazil incorporates into its patrimony a territory greater in extent than that of any of the States of Ceará, Rio Grande do Norte, Parahyba, Pernambuco, Algõas, Serjipe, Espiritu Santos, Rio de Janeiro, and Santa Catharina, a territory which produces an annual revenue larger than that of more than half of the twenty States of our Union. We are not, however, inspired by material advantages of any kind. The resources of Acre were long known,

[1] That is, in 1867.

and by our compatriots alone were they explored; nevertheless, the Government always continued to consider the territory as Bolivian and to give to Bolivia all possible facilities for utilizing it. It was necessary that the security of this continent should be menaced by the attempt to introduce the perturbing system of chartered companies, and that we should be convinced of the impossibility of maintaining the good relations we so highly value with the Bolivian Nation, so long as there existed under its sovereignty a territory exclusively inhabited by Brazilians who were hostile to it, before we took the steps to obtain the results now accomplished.

In reality the greatest advantages of the territorial acquisition resulting from this treaty are not the material ones. Those of a moral and political order are far higher. Among these it suffices to mention that which is derived from the substantial improvement effected in the conditions of our control over the Amazon fluvial system exactly at the place where the rights of our riparian neighbors are troublesome to us. Being unable normally to administer the region now ceded, to which she had already officially given the name of *Territorio de Colonias*, Bolivia would have been obliged to resort to expedients embarrassing to us, with a view to supply the essential conditions of control which she lacked. Recent examples of this are the decree opening the Acre River to the navigation of the world, and the contracts for the lease of lands which created semi-sovereign entities. The cause having been removed, we need no longer fear the effects.

. . . . . .

In exchange for 142,900 square kilometers of land which we disputed, and 48,100 of land which was acknowledged as hers—that is to say, in exchange for 191,000 square kilometers — we gave to Bolivia, between the Madeira and Abunan rivers (following the reckoning above referred to), an area of 2,296 square kilometers, which is not inhabited by Brazilians but by Bolivians. If the ground on which we asked of Bolivia the cession of the basin of the Acre, and of the rivers which lie to the west of it, was that these territories were inhabited and cultivated by our citizens, how could we honestly deny to Bolivia a smaller tract, inhabited and utilized by her citizens? It was, besides, necessary in order to maintain the principle that it was not exactly a question of cession, but of exchange, of territories. And it is pertinent to observe that the present treaty does not introduce any innovation.

The exchange of territories had already been foreseen and authorized by Article V[1] of the treaty of March 27, 1867.

. . . . . .

The other solutions which have been proposed, more or less publicly, are two:

1. To avail ourselves of the aid of the Brazilians in Acre, in the hope that they might definitely attain their independence and then ask for annexation to Brazil of the State which they should thus establish and which we would receive into our Union without giving any compensation to Bolivia; or

2. To appeal at once to arbitration for the interpretation of the latter part of Article III of the Treaty of 1867, and maintain before the arbitrators the line of the parallel 10° 20′.

The first proposition, meaning, in fact, a disguised conquest, would lead us into a course of action in contrast with the good faith which the Brazilian Government has never failed to employ in its intercourse with other nations. We should embark on a perilous adventure which would be without precedent in our diplomatic history, and which, because of its slow development, would no doubt give rise to complications and disagreeable surprises, and would for that reason be of uncertain issue. And the disguised conquest, which we should in violation of the constitution of the Republic thus attempt, would extend not only to the territory which we believe to be ours, but also to that lying to the south, and unquestionably belonging to Bolivia by virtue of the treaty of 1867, which was already in the control of the Acreans. For, it must not be forgotten that the Acre problem could and can be solved only on condition that all the territories occupied by our citizens should remain Brazilian. I will add that we are not permitted to affirm that the Acreans would surely be victorious. In the possible event of their not having the better part, their heroic sacrifice would wound and move the national feeling, which would expose us to the risk of being dragged into an inglorious war. These unhappy con-

[1] This article reads: "If with a view to fix, in any one part or another, boundaries which may be more natural or convenient for either nation, an exchange of territory appear advantageous, this may take place, fresh negotiations being entered into; but going on, nevertheless, with the demarcation of the line, as though such exchange were not to be effected.

"In this stipulation is comprised the exchange of territory in order to give space to any hamlet or public establishment which may be injured by the too close approximation of the divisionary line."

tingencies might also arise in case the Acreans were victorious and we accepted their proposal of annexation.

The resort to arbitration would involve the inconvenience of delaying four or five years, if not longer, the desired solution; and even if the judge were favorable to us it would not afford a radical or definitive conclusion, since it would not suppress or resolve the difficulties with which the two countries have been struggling since 1899. In appealing to arbitration we should abandon and sacrifice thousands of Brazilians who had in good faith settled to the south of parallel 10° 20′. The arbitrator could grant us only the territory which we had declared to be in dispute to the north of that parallel, while to the south of it lie the greater part of Acre and the most of the Brazilian settlements. During the process of arbitration, these compatriots of ours would continue their conspiracies and revolts against the Bolivian authorities. Political agitation would persist among us in regard to the Acre question, and in Bolivia perhaps the temptation of some new lease, with a view to subdue, by means of foreign resources, a population which had shown itself steadfastly hostile to her. And owing to the instability of opinion in some of our political centres, and to the influence which they occasionally might exert on that of the real or apparent majority of the nation, it was impossible to foresee to what decisions we might be led, in moments of patriotic exaltation, by the spectacle of the persistent revolt of these Brazilians or of their final subjugation by sheer extermination.

It is furthermore very likely that the mind of the arbitrator would be influenced less by arguments which we could adduce than by the constant tradition of thirty-five years, during which the Government of Brazil not only considered as unquestionably Bolivian the territory situated between the oblique Jacary-Beni line and the above-mentioned parallel, but also performed, before the demarcation was concluded, positive acts which acknowledged Bolivian sovereignty, agreeing to the establishment of a custom house in Porto Alonso, afterwards Port Acre, and establishing there a Brazilian consulate. I must for myself declare, that, with such high interests of the present and future of this nation at stake, I would not deem arbitration advisable, unless a direct agreement was entirely impossible and the arbitration was conducted outside of the restrictions of the treaty of 1867 and with special guarantees which it would be difficult for the other party to accept.

A direct agreement was, indeed, the preferable expedient, the most

expeditious and the only one that could efficaciously assure an immediate advantage as well to Brazil as to Bolivia. We had recourse to it, and after patient labor we secured its realization in a manner satisfactory and honorable to both countries, solving radically not only all present questions, but also comprising in a general conception everything pertaining to our permanent intercourse with Bolivia.

Happily it was not necessary, in order to attain this result, to introduce any innovation into existing rights as between the two countries. The present agreement, as has heretofore been pointed out, is in its essence a simple development and application of that of 1867. There is not, properly speaking, a cession, but a reciprocal exchange of territories of each country inhabited by citizens of the other, precisely as is provided in Article V of the compact of 1867, above mentioned. But, even if we were to describe as a "cession of territories" an exchange by which we give 3,200 square kilometers and receive 191,000, it could not be said that such an act is in itself indecorous, and much less that it is not, authorized by the traditions of free peoples having the highest sense of honor in the world, such as the United States of America and Switzerland, and by the juridical and customary precedents of our fatherland. The constitution of the Empire authorized, in Article CII, Paragraph 8, the cession of territory, on condition that it be sanctioned by the General Legislative Assembly. And the principle was not only admitted, but it was carried into effect on several occasions.

By the present treaty, however, we do not lose but acquire territory. Moreover, we make our first territorial acquisition since we became an independent nation.

The decision of the two disputes, in which I have had the honor to defend the interests of Brazil, did not increase but barely maintained the national patrimony within the limits sanctioned by long-continued affirmation of our rights. Only now have we accomplished true territorial expansion, with the fortunate circumstance that in securing it we do not despoil any neighboring and friendly nation; on the contrary, we liberate her from a burden, offering her material and political compensations the equivalency of which has been shown, and which the future will transform into as many bonds of international fellowship.

. . . . . .

134. The Roosevelt Corollary to the Monroe Doctrine

[December 6, 1904. *Papers Relating to the Foreign Relations of the United States, 1904*, XLI. Published by the United States Government.]

The financial affairs of Santo Domingo had been in a state of chaos for several years. In 1904 the European creditors of the republic became more insistent in their demands for an acceptable settlement of the debts that were due them. There was a fear that an attempt would be made to collect the debts by force. The only way in which Santo Domingo could be made to pay was through a seizure and administration of its customhouses. President Roosevelt feared that such an occupation might be extended for an indefinite period of time owing to the large amount of the foreign debts of the republic and to the chronic mismanagement of its finances. He could see only one solution: the United States must act as the receiver and take over the administration of the financial affairs of the republic. The following excerpts explain the policy which President Roosevelt was about to inaugurate.

. . . . . .

It is not true that the United States feels any land hunger or entertains any projects as regards the other nations of the Western Hemisphere save such as are for their welfare. All that this country desires is to see the neighboring countries stable, orderly, and prosperous. Any country whose people conduct themselves well can count upon our hearty friendship. If a nation shows that it knows how to act with reasonable efficiency and decency in social and political matters, if it keeps order and pays its obligations, it need fear no interference from the United States. Chronic wrongdoing, or an impotence which results in a general loosening of the ties of civilized society, may in America, as elsewhere, ultimately require intervention by some civilized nation, and in the Western Hemisphere the adherence of the United States to the Monroe Doctrine may force the United States, however reluctantly, in flagrant cases of such wrongdoing or impotence, to the exercise of an international police power. If every country washed by the Caribbean Sea would show the progress in stable and just civilization which with the aid of the Platt Amendment Cuba has

shown since our troops left the island, and which so many of the republics in both Americas are constantly and brilliantly showing, all questions of interference by this nation with their affairs would be at an end. Our interests and those of our southern neighbors are in reality identical. They have great natural riches, and if within their borders the reign of law and justice obtains, prosperity is sure to come to them. While they thus obey the primary laws of civilized society they must rest assured that they will be treated by us in a spirit of cordial and helpful sympathy. We would interfere with them only in the last resort, and then only because it became evident that their inability or unwillingness to do justice at home and abroad had violated the rights of the United States or had invited foreign aggression to the detriment of the entire body of American nations. It is a mere truism to say that every nation, whether in America or elsewhere, which desires to maintain its freedom, its independence, must ultimately realize that the right of such independence cannot be separated from the responsibility of making good use of it.

In asserting the Monroe Doctrine, in taking such steps as we have taken in regard to Cuba, Venezuela, and Panama, and in endeavoring to circumscribe the theater of war in the Far East, and to secure the open door in China, we have acted in our own interest as well as in the interest of humanity at large. . . . But in extreme cases, action may be justifiable and proper. What form the action shall take must depend upon the circumstances of the case; that is, upon the degree of the atrocity and upon our power to remedy it. The cases in which we could interfere by force of arms as we interfered to put a stop to intolerable conditions in Cuba are necessarily few. . . .

FORCEFUL COLLECTION OF CONTRACT DEBTS

135. The Attitude of the Hispanic American Delegations toward the Porter Resolution in the Second Hague Conference

[1907. James Brown Scott, *The Reports to the Hague Conferences of 1899 and 1907. Being the Official Explanatory and Interpretative Commentary accompanying the Draft Conventions and Declarations submitted to the Conferences by the Several Commissions charged with Preparing Them* (1917), 489–496. Carnegie Endowment for International Peace. Division of International Law. Printed in England at the Oxford Press, London.]

The Calvo-Drago Doctrine had attracted wide attention from the first. The gravity of the Venezuelan controversy and the high position held by Luis M. Drago gave it general interest throughout Hispanic America. At the Third Panamerican Conference, held in Rio de Janeiro in 1906, Drago made his proposal a statement of policy and desired that the states of the Americas should adopt it as such. The Conference decided to recommend that the whole subject of the forceful collection of public debts be referred to the Second Peace Conference of the Hague. The delegation of the United States accordingly presented to that conference a resolution providing that force should not be used in the collection of contractual debts until the justice of the claim and the amount of the debt should have been determined by arbitration. It was a happy solution of a problem of grave import to Hispanic America. The attitude of the various Hispanic American delegations toward this resolution is set forth in the following excerpts. The resolutions of the Conference dealing with the whole subject are also given.

A. THE PORTER RESOLUTION OF JULY 2, 1907[1]

For the purpose of avoiding between nations armed conflicts of a purely pecuniary origin, arising from contract debts, which are claimed from the Government of one country by the Government of another country as due to its subjects or citizens, and in order to guarantee that all contract debts of this nature which it may have been impossible to settle amicably through the diplomatic channel shall be submitted to arbitration, it is agreed that there cannot be recourse to coercive measures, involving the employment of military or naval force for the recovery of such contract debts, until an offer of arbitration has been made by the claimant and refused or not answered by the debtor State, or until arbitration has taken place and the debtor State has failed to comply with the award made.

It is further agreed that such arbitration shall conform, as to its procedure, to Chapter III of the Convention for the pacific settlement of international disputes, adopted at The Hague, and that it shall determine the justice and the amount of the debt, the time and manner of its settlement and the guaranty to be given, if there is occasion, while payment is delayed.

B. STATEMENT OF HISPANIC AMERICAN DELEGATIONS[2]

The delegation of Mexico is favorable to the amendment by the representatives of the United States of America; but it is convinced that a State can intervene in the affairs of another State only under exceptional circumstances to be determined by international law. That is a natural consequence of the principle of sovereignty and independence of nations. It therefore proposes a modification of the text in accordance with this view.

The delegation of Panama supports the American proposition. It admits the right to resort to coercive means only in case of violence or denial of justice after an arbitral award.

The delegation of the Argentine Republic approves the American proposition, which establishes arbitration for convention and for contract debts; but it disapproves of admitting the right to resort to coercive measures, if there be occasion, after the arbitral award has

[1] *The Reports to the Hague Conferences of 1899 and 1907*, 491. [2] *Ibid.*, 492–495.

been made. It does not admit that war can ever be recognized as a lawful measure. The debtor State would often be ruined with no benefit to the creditors.

It will vote for the American project only with the two following reservations:

1. With regard to debts arising from ordinary contracts between the citizens or subjects of a nation and a foreign Government, recourse shall not be had to arbitration except in the specified case of denial of justice by the courts of the country which made the contract, the remedies before which courts must first have been exhausted.

2. Public loans, secured by bond issues and constituting the national debt, shall in no case give rise to military aggression or the material occupation of the soil of American nations.

. . . . . .

The delegation of the Dominican Republic likewise approves the principle which dictated the American proposition; but it cannot admit recourse to force except in case the refusal of the debtor State to submit to the arbitral award "be not actuated by serious circumstances which make it materially impossible to satisfy it."

It does not understand that the guaranty, mentioned in the project of the United States, is other than pecuniary in nature, in no case involving occupation of territory, and not assailing the sovereignty of the State.

. . . . . .

The delegation of Chile has itself presented a proposition, the aim of which is to submit to arbitration all claims for damages of a pecuniary nature, which it has been impossible to settle amicably, as well as all claims which result from the alleged breaking of contracts.

A State which refused to recognize a regular arbitral award would lose the respect of the other States and would put the adverse party in a better position for the complete exercise of all its rights.

The delegation of Haiti endorses the project of the United States of America concerning the recovery of political debts originating in contracts; but requests that the powers granted to arbitrators be somewhat restricted, and that fixing of the guarantees be left to the parties to the case. This delegation adds, furthermore, that it does not consider itself as admitting by its adhesion that the employment of force in such cases may be legitimate.

. . . . . .

The delegation of Peru, while approving the general principles which prompted the American proposition, believes that it is necessary to define and limit its field of action. It proposes an amendment in this sense.

. . . . . .

The delegation of Guatemala likewise accepts the American proposition, but with the reservation that the Government can only admit resort to arbitration if the foreign citizens at odds with it for the recovery of ordinary debts arising from contracts have exhausted the legal remedies which the laws of the country grant them.

The delegation of the Republic of Salvador adheres to the amendment presented by the delegation of the United States, with the following reservations:

1. That in the matter of debts arising from ordinary contracts between the States and individuals, recourse shall not be had to arbitration except in the cases of denial of justice, after all the legal remedies of the contracting country have first been exhausted.

2. That public loans constituting national debts can never give rise to military aggression or to a material occupation of the territory of the American nations.

The delegation of Brazil would ask nothing better than to see war abolished; but, if, while admitting other cases of armed conflict as legitimate, it is desired to create a legal category of absolute immunity in respect to public debts, it believes that there is no justification for this exception.

While approving the pacific tendencies of both his Excellency Mr. Drago and the American delegates, his Excellency Ruy Barbosa does not admit that the right of a Government to intervene on behalf of its citizens should be contested. A State which borrows is not performing a political act, but an act subject to civil law.

To endeavour thus to complete the Monroe Doctrine is to risk compromising it from a practical point of view. Brazil has no desire to injure its credit nor the credit of Latin America.

The formula presented by the delegation of the United States of America mentions frankly a possible appeal to force, and it should be praised for so doing.

The delegation of Brazil would like to see the Conference adopt a provision contemplating the renunciation of the right of conquest. It

has drawn up its idea in the following manner, while admitting such modifications as may be deemed proper for its success.

None of the signatory Powers shall undertake to alter, by means of war, the present boundaries of its territory at the expense of any of the other Powers until arbitration has been proposed by the Power claiming the right to make the alteration and refused, or if the other Power disobeys the arbitral award. If any of those Powers violate this engagement, the change of territory brought about by arms will not be legally valid.[1]

. . . . . .

The delegation of Venezuela asks that differences arising from pecuniary claims be in all cases adjusted by peaceful means, with no possible recourse to coercive measures involving the employment of military or naval forces.

The delegations of Nicaragua, Colombia, Uruguay, and Ecuador, while adhering to the American propositions, declare that they are opposed to any employment of force for the settlement of debts.

The delegation of Ecuador defines its attitude by making the following reservations:

1. Arbitration can only be demanded in case there is a presumption of denial of justice and after having exhausted all the legal remedies of the country.

2. Armed intervention cannot take place after the arbitral award has been made unless the bad faith of the debtor is clearly proved.

C. STATEMENT OF LUIS M. DRAGO BEFORE THE HAGUE CONFERENCE RELATIVE TO THE EMPLOYMENT OF FORCE FOR THE RECOVERY OF CONTRACT DEBTS[2]

As to the mention of armed force, which the American delegation believes should be retained in the new reading of its project, I still think it would be particularly dangerous to insist upon it. The terms which authorize the employment of "armed force" go much farther than simple retorsion or what is called a "naval demonstration."

[1] The delegation of Bolivia, like that of Greece, while in sympathy with the principle of arbitration, inquires whether it is opportune to include an addition treating of the possible employment of coercive measures in an international agreement, whose purpose appears to be to arrange peaceful means for the settlement of international disputes.

[2] *The Reports to the Hague Conferences of 1899 and 1907,* 496.

But there is reason to inquire how far coercive measures of this kind would go. According to John Bassett Moore, the eminent American jurist, Secretary of State Blaine, in taking up the recovery of certain debts from Venezuela in 1881, proposed to the French Government that the United States should take possession of the custom houses of the South American Republic at La Guayra and Puerto Cabello, and put its agents in charge to collect the customs, which would then be distributed *pro rata* among the various collectors, charging the debtor country ten per cent. additional. The same methods of recovery were later commended by Secretary of State Frelinghuysen.

There is a way of understanding the application of coercive measures which might give rise to controversies and even to conflicts. Would the European or American without distinction be authorized to conduct the custom houses of a debtor country in this way; or, on the contrary, would the system of Blaine and Frelinghuysen be followed, according to which this function would devolve solely upon the United States?

I ask the question simply to show how difficult it is to define and regulate in advance the employment of force, and how much more preferable it would be to leave each case to be settled according to the circumstances and necessities of the moment. But I must confine myself here simply to point out a few facts, as my country has excluded under every hypothesis, recovery by force when it is a question of public debts, the only kind which could give rise to dangerous differences of opinion.

The Argentine delegation therefore finds itself obliged to retain in their entirety the two reservations which it has made, while confirming its favorable vote on the American proposition.

D. ARTICLE ONE AND TWO OF THE CONVENTION RESPECTING THE LIMITATION OF THE EMPLOYMENT OF FORCE FOR THE RECOVERY OF CONTRACT DEBTS[1]

ARTICLE I

The Contracting Powers agree not to have recourse to armed force for recovery of contract debts claimed from the Government of one country by the Government of another country as being due to its nationals.

[1] *The Reports to the Hague Conferences of 1889 and 1907*, 489.

This undertaking is, however, not applicable when the debtor State refuses or neglects to reply to an offer of arbitration, or, after accepting the offer, prevents any *compromis* from being agreed on, or, after the arbitration, fails to submit to the award.

ARTICLE II

It is further agreed that the arbitration mentioned in paragraph 2 of the foregoing article shall be subject to the procedure laid down in Part IV, Chapter III, of the Hague Convention for the pacific settlement of international disputes. The award shall determine, except where otherwise agreed between the parties, the validity of the claim, the amount of the debt, and the time and mode of payment.

RELATIONS BETWEEN THE UNITED STATES AND HISPANIC AMERICA

136. Circular on the Territorial Integrity of American States

[Washington, May 7, 1912. *Papers Relating to the Foreign Relations of the United States, 1912* (1919), 1–2. Published by the United States Government.]

The memorial of Señor Triana, referred to in this document, would seem to the student of international American relations to be the logical corollary to the Monroe Doctrine. It is to be regretted that the government of the United States of North America did not avail itself of the opportunity to allay any suspicion in Hispanic America of designs upon any of its territory. It could have formally stated that the era of territorial conquests in America was forever proscribed. The following instructions from the Acting Secretary of State, Mr. Huntington Wilson, could hardly be expected to allay any fears of the aggressive policy of the United States, nor could they be expected to prevent what F. Garcia-Calderón in his work on *Latin America* styles a veritable crusade against that republic.

Department of State,
Washington, May 7, 1912.

To the diplomatic officers of the United States in Latin-America.

Gentlemen: Mr. S. Perez Triana, the Colombian Minister in London, has recently addressed to the President a letter accompanied by a long memorandum. He states that he has sent copies of the memorandum to all the Presidents of America. Mr. Triana styles the memorandum in question a statement of "the reasons that militate in favor of a Pan-American union for a certain specific purpose, which is that the era of conquest which President Monroe declared closed in 1823 to European Powers, should be declared as closed to American Nations

amongst themselves, that is, in other words, to declare that conquest *per se* is objectionable, irrespective of the conqueror."

The memorandum occupies several pages and it seems unnecessary to send you a copy thereof. The essence of it is that the United States — and incidentally the other American countries — should solemnly declare that conquest is forever proscribed from the continent of America, and should pledge itself not to practice nor to tolerate the conquest of territory.

If in the country to which you are accredited Mr. Triana's plan should be discussed in such a way as to come to your notice you should belittle the idea and simply call attention to the following extract from the speech delivered by the Secretary of State before the National Assembly of Nicaragua at Managua on March 6, 1912:

> I note, Mr. President, what you have said in regard to the existence of some apprehension here and in other republics of Latin-America as to the true motives and purposes of the United States towards them under the Monroe Doctrine. I beg to assure you, and I am sure that what I say meets the approval of the people and the President of the United States, that my Government does not covet an inch of territory south of the Rio Grande. The full measure and extent of our policy is to assist in the maintenance of republican institutions upon this hemisphere and we are anxious that the experiment of a government of the people, for the people, and by the people shall not fail in any republic on this continent. We have a well known policy as to the causes that might threaten the existence of an American republic from beyond the sea. We are equally desirous that there shall be no failure to maintain a republican form of government from forces of disintegration originating from within; and so far as we may be able we will always be found willing to lend such proper assistance as may be within our power to preserve the stability of our sister American republics.

You are no doubt familiar with the substance of the Secretary's speech at Panama which is so illustrative of the friendly and straightforward policy of this Government toward the other countries of this hemisphere, and which might be referred to with excellent effect in relation to the above.

I am [etc.]

HUNTINGTON WILSON,
Acting Secretary of State

137. The Resolution of the United States Senate on Efforts of a Non-American Power to acquire Territory in the American Continents for National Purposes

[July 31, 1912. *The Congressional Record: containing the Proceedings and Debates of the Sixty-Second Congress, Second Session* (1912), XLVIII, 9923. United States Government Printing Office, Washington.]

An American concern had tried to dispose of certain of its lands around Magdalena Bay in Lower California to Japanese subjects. It was feared that the possession of such lands by the nationals of some foreign power might endanger the safety of the United States. The subject became a matter for investigation by the Senate Committee on Foreign Relations. After a careful investigation by that committee, Henry Cabot Lodge, the chairman, made a report from which the following is taken. The resolution, as recommended by Senator Lodge, was adopted by the Senate.

. . . . . .

These messages and the accompanying correspondence[1] were referred to the Committee on Foreign Relations. After a careful consideration of the subject referred, the Committee on Foreign Relations reports that it appears from the correspondence and from all the information that the committee has been able to procure that the government of no other country has concerned itself with acquiring, or has made any attempt to acquire, possession of Magdalena Bay and the land about it. It appears, further, however, from the evidence that the corporations or persons who have, or claim to have, title to the lands surrounding Magdalena Bay have made efforts to form a syndicate and to promote the sale of these lands upon the basis of the existence of some national value to a foreign nation in Magdalena Bay as distinct from any commercial value which that bay and the adjoining territory might possess. The fact that such an idea has formed the basis of a negotiation between the possessors of the title to the lands about Magdalena Bay and the citizens, subjects, or corporations of a foreign power seems to the Committee on Foreign Relations to afford an appropriate occasion for an expression of the view of the Senate of

[1] The messages and the accompanying correspondence were submitted to the Committee on Foreign Relations of the Senate by the State Department.

the United States regarding this and similar cases. For this reason the committee recommends the adoption of the following resolution:

Resolved, That when any harbor or other place in the American continents is so situated that the occupation thereof for naval or military purposes might threaten the communications or the safety of the United States, the Government of the United States could not see without grave concern the possession of such harbor or other place by any corporation or association which has such a relation to another Government, not American, as to give that Government practical power of control for national purposes.

138. Letter to José Vicente Concha, President of Colombia, of September, 1914 (on the Territorial Integrity of the American States)

[September, 1914. Santiago Pérez Triana, in *Hispania* for November 1, 1914. Reprinted from Alejandro Álvarez's *The Monroe Doctrine. Its Importance in the International Life of the States of the New World* (1924), 319–325. Published by the Carnegie Endowment for International Peace. Division of International Law. Washington. Oxford University Press, New York.]

The Circular Letter of May 7, 1912, did not have the effect of allaying Hispanic American fears of further territorial expansion of the United States of North America. Señor Triana again took occasion to call attention to the need of a formal declaration by all the states of the Americas that the era of territorial expansion in the Western Hemisphere had definitely ceased. In the following letter he explained his views in detail.

According to the announcement made, the Pan-American Congress, which has on other occasions met in Washington, Mexico, Rio de Janeiro and Buenos Ayres, respectively, will meet during the coming month of November in Santiago de Chile. Assuming that Colombia will be represented in this Congress on this occasion, as she has been in previous ones, I have deemed it proper to offer you some suggestions which might perhaps be useful.

I ask your indulgence, and beg you to excuse me if I should divert your attention for a moment from the very important and numerous duties imposed upon you by your high office.

The present European War exceeds all other wars recorded by history in magnitude and possibilities of disaster. From the very beginning it upset the moral temperament of the nations and fundamentally confused social, industrial, and economic harmony. It is in addition giving rise to acts of barbarism and cruelty incredible in this century of the Christian Era. Institutional laws having been discarded in all Europe, only martial law prevails at present, that is, the absence of all law and the supremacy of the military criterion, which is influenced solely by the necessities of war. Europe, therefore, is under the hegemony of barbarism.

This hegemony is the culmination of the system of European equilibrium or balance of power. The two groups of Powers which competed for the domination of the world, and which during the last forty years — those very same years of so-called peace — have waged incessant predatory wars of conquest in the eastern hemisphere, have been dragged by the inevitable fatality of the system to this woeful clash of one group with the other. Europe has been advancing towards the catastrophe with open eyes. Noted thinkers from all the countries of Europe, from reactionary schools as well as the most advanced ones, have predicted the disaster, expounding it in a dilemma with two unavoidable alternatives, either social revolution within the separate nationalities or war between the various nations. Internal social revolution would come when the masses, burdened with taxes which were ever increasing like an irresistible tide, despairing of redemption, and unable to endure any more suffering, resorted to violence. External war, imposed by the gravitation of circumstances, which constituted the other alternative of the dilemma, would arise as the recourse — old in history — of discredited and agonizing systems, to prolong their impaired predominance. This last thing has happened.

The discipline of this war will never bring an immediate definitive relief; undoubtedly it will educate the people through suffering and will awaken new desires to establish the rule of justice; on the other hand, it is to be feared that, whether one or the other group succeeds, victorious militarism will long prevail in the official policy of the nations.

It is today contended, and I think rightly, that the group in which England and France are included, is fighting German militarism. But England and France will be able to conquer only with Russia's

assistance. Russia's militarism is not less dreadful and ominous than German militarism; and it is not probable that France and England will be tomorrow less submissive and docile with a victorious Russia, than they have been with a Russia vanquished by Japan in recent years in which they have been her allies, and in which liberty has been suppressed in Finland and humiliation and pillage have been resorted to in Persia. If on the one hand it is proper to hope that the lesson taught by the war may bring about an evolution towards justice, that aim can only be accomplished after a period of prolonged gestation to prepare for the final defeat of militarism through revolution.

The American continent, with the exception of the colonies of the belligerent countries, is outside the political reach of the hegemony of barbarism under which any colony established in America by Europe would fall. Europe has the same colonies in America that she had during the latter part of the first quarter of the nineteenth century, when the war for independence ended, except the colonies lost by Spain. Since then, Europe has not established colonies in America because the United States has prevented it in accordance with President Monroe's declaration contained in his message to the Congress of the United States on December 2, 1823. That message stated in clear terms that the United States would not suffer the application of the European system to any part of the American continent. The words employed imparted a diplomatic gentleness to their import without diminishing the rigidity of their substance.

That declaration is an integral part of the policy of the United States; it leaves no room for doubting that that nation will support the principle there proclaimed with all its prestige and power, should occasion arise.

At this point, and before proceeding any further, it is proper to make two observations: the first is that the principle announced by the United States is not based on unselfish, altruistic, or humanitarian interests. It is based exclusively on that nation's convenience; on a desire for isolation with respect to the Powers of the western [*eastern?*] hemisphere and their complications; that desire is unequivocally expressed in Washington's farewell address and in numerous official documents and in the writings of North American statesmen, such as Jefferson, Madison and Adams, previous to the date on which it was announced in concrete form in 1823.

The other observation is this: the United States, while it has prevented the conquest of American territory by European nations, has not been logical, nor honest; it has not respected the inherent equity of the principle; it has conquered territories, thereby violating the sovereignty of other American nations.

European wars of conquest during the last forty years, as to which there has been no part of the world sufficiently remote, arid, or unhealthy to be exempt from conquest, justify the assertion that if these conquests could have been effected in America, that part of America which it might have been possible to conquer would have been conquered. This statement is supported by the fact that European Powers on different occasions have designed to conquer American territory, failing in their efforts due to the intervention of the United States in some form or other. We should remember, among others, the case of Mexico, invaded by France, England and Spain in 1861, and Germany's attempt, supported by Italy and England, against Venezuela in 1902.

It is sometimes argued that our countries are sufficiently capable of defending themselves, so that all foreign protection is superfluous. This way of looking at things, in cases in which it is sincere, is a mere illusion of exaggerated patriotism rather than actual patriotism. We may ask: How could a Latin-American country or a group of them defend themselves against a victorious Kaiser or Czar? The armies of those monarchs consist of millions of men. For those monarchs, especially for the Kaiser, a war which would furnish new territories in which to establish nations as a political extension of the *Vaterland*, would be a holy war. Since the days of Frederick the Great, the Prussian school has become more and more prevalent in Germany, a school which absolutely controls the policy of the German Empire, and whose more noted expounders, Klaussewitz, Bernhardi and Treitschke incessantly preach the creed of pillage.

If the European conquerors have not come to America in the past, and if they are not to come in the future, it is due entirely to the potential power of the United States, which, should the case arise, would have millions of soldiers to face millions of soldiers, and could do this without having to cross an ocean thousands of miles wide to transport them. In dealing with those possibilities we must take extreme cases into consideration.

It may be said that the United States is not a militaristic nation; that is true; not at present. Yet, when occasion arose during the War of Secession, at a time when the population was about forty millions, instead of a hundred as it is today, the United States, including the North and the South, raised an army of over two and a half million soldiers, who fought over two thousand five hundred battles. These possibilities have sufficed until now to protect the continent; undoubtedly their efficacy would be no less in the future.

The policy of the White House has undergone a substantial change of orientation as regards Latin-America. A good man has come into power, whose conscience will not permit him to compromise with iniquity nor sanction the historical and universal principle that an act which is unlawful for the individual is legal when done by a nation. Dr. Wilson has proclaimed from the high eminence of his position, the principle that the moral law for the statesman as well as for the individual should be based on justice and not on convenience. The statesmen from all parts of the world, adhering to the tradition of the governments of all epochs in history and alarmed by such boldness, have called him a dreamer, because they dare not call him a traitor. President Wilson has not been satisfied with words; he has resorted to acts. His fellow-citizens have witnessed this when, appealing to national honor, he secured the repeal of the Panama Canal Tolls Act, which was a law of convenience, but not a just law. So too in Colombia, with the treaty of April 6 of this year, by means of which the wrong imposed upon the Republic of Colombia by the Roosevelt Administration is amended as far as it is humanly possible.

The Monroe Doctrine, which has protected us against European conquest, did not prevent our being robbed. The United States has not up to the present carried that Doctrine to its extreme logical development, which would be to prohibit conquest — which is robbery and spoliation — intrinsically as conquest, whoever may perpetrate it, whether an American republic, a monarchy or a European republic.

Today the old order of things changes. In October of last year, in the city of Mobile, President Wilson declared, in the name of the United States, that from now on the latter would never acquire territory in America through war or conquest. Wilson is as much entitled

to speak in the name of his country as was Monroe. The value of Wilson's word, the great importance of the same, what that word implies as the triumph of the principles of international justice, may be measured, just as temperature is measured by means of the thermometer, by the hysterical and clamorous fury with which it has been received by Roosevelt, the disciple of imperialism and the oppressor of Colombia.

The time is now propitious to obtain from the United States a solemn ratification of the principle proclaimed by President Wilson in Mobile. If there is grievance in any quarter against the United States due to past acts, it would be an unpardonable error to let this prejudice our minds now that Wilson has wiped out the past; if the personal and historical elements now presented are not taken advantage of, it would constitute a regrettable omission of incalculable results.

A Monroe Doctrine carried to its utmost logical development, to protect the continent, as it has protected it against the greed and desires of Europe, and to check Yankee imperialism and the shameful imperialism of aggressive tendencies which is already manifesting itself in Latin-America, would constitute the greatest source of tranquillity and progress for all America.

This may be accomplished in the coming Pan-American Congress about to be held in Santiago de Chile; the necessary agreement should be adopted there between all the American nations. Undoubtedly it will be necessary for that agreement to be ratified by special conventions between the governments. It might be — let us hope this is not the case — that some countries would oppose a moral guaranty of their respective territories and the territory of all American nations by each and all of the others. This would imply designs and territorial ambitions on the part of the countries opposing this project which, in any event, it might be well to expose.

The personal elements of the present moment are decisive; the delegates of the United States to the Pan-American Congress will be unable to deny or refuse to support the principle so nobly announced to the world by President Wilson in Mobile; the precedent thus established would constitute an obstacle to imperialistic enterprises, assuming that the old tendency should revive in the United States with the coming into power of Roosevelt or any other like him.

I think that the Latin-American nation which proclaimed the principle of international justice to the effect that the sovereignty of those countries is not to be violated by another American country or countries, nor by the countries of another continent, thus extolling the Monroe Doctrine and completing its moral integrity, would greatly promote justice, liberty and democracy, so seriously imperiled in these dark and turbulent times of war and extermination in Europe.

I respectfully beg you to raise the banner of that noble ideal, in order that in the name of our country the delegates of Colombia may submit it to the consideration of the next Pan-American Congress.

There will be those, and you will hear them, Mr. President, who will say to you and to the Republic that the most that can be accomplished is the signing of a treaty by all the North, Central and South American nations; but that this will be of no avail because tomorrow, when the powerful deem it convenient, that treaty will be repudiated as was the treaty between Colombia and the United States; it will be said that to put our faith on the written and signed word of nations at this time when Germany has just trampled under the hoofs of her cavalry the treaties providing for the neutrality of Luxemburg and Belgium, signed by all Europe, declared to be "scraps of paper" by the Minister of Foreign Relations Jagow, is an unpardonable puerility. It will be said that force depends on the sword and that the only voice heeded by the world is the roaring of the cannon. To this I answer that that is the eternal lie of Draconians and of demagogues to obstruct the evolution of justice.

We the weak have no other protection than the law; if we ourselves make haste to discredit law, we will incite and point the way to the violators of the law. If law crumbles, our duty is not to bury it in the mire of insult and contempt; our duty is to raise it from the dust, and place it high, very high, as the Saviour raised the Cross, that it may be a guiding light to awaken the conscience; to submit ourselves voluntarily and in advance to deceit and violence, is to merit slavery, and is in addition treason to our country. We are not compelled to be cowards before the battle starts. We have no armaments. Let us uphold the law, having as we have, faith in the final victory of the law.

139. The Question of the Pacific

The series of problems growing out of the War of the Pacific is usually dealt with under the title of "The Question of the Pacific." It embraces more especially the problem or problems growing out of the efforts to enforce Article Three of the Treaty of Ancón. A reference to the full text of that treaty will make clear the nature of the arrangement for the ultimate ownership of the provinces of Tacna and Arica, as well as that for the payment of the stipulated sum of money by the nation which proves successful in the plebiscite. The differences between the two nations over the manner of conducting the plebiscite have prevented a settlement. During the peace negotiations which resulted in the Treaty of Ancón, Chile made it clear that she desired the three provinces of Tarapacá, Tacna, and Arica. The first, the most important of the three, was readily ceded to her. But the delegates of Peru declined to agree to the cession of the other two on the ground that the national sentiment of the Peruvian people would not permit it. To bring about an end of the war, a measure was resorted to similar to the device adopted in the cession of Nice and Savoy in 1860[1] and of the island of St. Barthélemy in 1877.[2] It was the provision that a plebiscite was to determine the ultimate ownership of the lands in question. Controversies, however, arose early between Chile and Peru over the manner of conducting the plebiscite. Chile held that the article was inserted merely to allay Peruvian national resentment so that peace might be concluded; that the plebiscite was to be carried out under conditions that would render inevitable the definite annexation of the two provinces, a fact she had insisted upon from the very first; and that the sole purpose of the provision for the lapse of ten years before the plebiscite could be held was to give the Peruvian people of those two provinces time to accustom themselves to Chilean rule. She also held that the ten million pesos which would be

[1] The Treaty of Turin.

[2] The Treaty of Paris.

paid by her was meant to be a compensation for the cession of those provinces.

Peru maintained, on the contrary, that the plebiscite did not have the disguised meaning that Chile claimed, but that it actually provided a means of determining the ultimate ownership of the two provinces. Another phase of the controversy has proved equally difficult of solution. Peru has maintained that none but Peruvians born in these provinces should be allowed to vote in the plebiscite. Chile has held that all adult inhabitants, including all the foreign inhabitants living in them, who could read and write, should have that right. She also claimed that she should have the right, as the nation exercising sovereignty over these provinces, to delegate a representative to preside over the plebiscite commission. This right Peru has refused to grant to Chile, claiming that since the ten-year period marked the *maximum*, Chile's sovereignty over them expired at the end of that period. For this reason she cannot be said to exercise sovereignty *de jure* over them and cannot claim the right to preside over the commission. Chile maintained, however, that the ten-year period was the *minimum* and that her rights still held. The controversy dragged on. In 1920 Peru took the matter before the League of Nations. As a member of that body she requested that the League Assembly bring about a revision of the Treaty of Ancón. She was persuaded to withdraw the request and did so with the right to renew the request later. The efforts of the United States of North America to have the whole question settled by arbitration resulted in an agreement to refer the matter at issue between Chile and Peru over Tacna and Arica to the president of the United States as arbitrator. President Harding accepted the invitation to serve in that capacity, and upon his death President Coolidge assumed the position. He rendered his award on March 4, 1925. The following excerpts from the demands of the Peruvian Court of Arbitration, the opinion of Barclay, and the award of President Coolidge will throw more light on the whole question.

A. THE CONCLUSION OF THE PERUVIAN ARBITRATION COMMISSION

[1923. *Arbitration between Peru and Chile. The Counter Case of Peru in the Matter of the Controversy arising out of the Question of the Pacific before the President of the United States of America as Arbitrator* (1923), II, 213–216. National Capital Press, Inc., Washington.]

The Award which Law and Equity Require

The Governments of Peru and Chile having made a contract in 1884 called the Treaty of Ancon, by the terms of which Chile was to occupy Tacna and Arica for the fixed period of ten years, with no right to remain beyond said period unless a plebiscite of the inhabitants of the Provinces should grant her a new estate of dominion and sovereignty, and the parties to this contract having failed to perform the stipulations in this respect, the question is submitted to the Honorable Arbitrator as to what settlement of their difficulties will satisfy principles of law and equity.

The case is as simple as if it were one between private parties presented to a chancellor in a suit for specific performance of a contract. The exact question to be decided, as both parties agree, is how shall the unfulfilled stipulations of Article III of the Treaty of Ancon be now fulfilled?

Chile contends that specific performance requires a plebiscite now, but on well-established principles of equity she would not be entitled to this:

First, because a plebiscite now *was not the agreement between the parties*. The contract does not contain any provision for a plebiscite in future years, but only for a plebiscite in 1894, or at the end of the temporary occupancy. The decree for a plebiscite thirty years later, therefore, would not be a compliance with the terms of the contract, but a violation of them.

Second, because requiring a decision by a vote of the inhabitants after thirty years' control by one of the parties, would *impose a hardship on the other party* not voluntarily assumed when the contract was made. *A fortiori*, would this be the rule if the conditions which make it a hardship were brought about by the party to the contract who was in control.

Third, because control of the territory and the inhabitants, after right to possession had ceased, constitutes in justice and equity a

waiver of advantages thus secured. A fortiori, is this the rule, if the contract was deliberately used to fix the vote in advance.

Peru contends that specific performance requires a decree of sovereignty and possession in Peru, with the incidental relief which follows such decree.

That this is the correct view, is demonstrated:

First, because if the stipulation as to a plebiscite had been carried out as intended, the decision, admitted by both parties, would have continued the sovereignty in Peru and given her possession of Tacna and Arica. Therefore, such decree now is the only way in which "*that can be done which should have been done.*"

Second, because at the expiration of the term by the express words of the contract, *right to possession by Chile ceased,* and Peru was then entitled to the territory.

Now, both parties agree that this contract of 1884 must still be fulfilled, admitting, as is obvious, that the time and circumstances under which it could be fulfilled according to its terms, cannot now be recalled; and, therefore, admitting that the manner of its enforcement must be decided by the *ordinary principles of equity,* and the ordinary rules of interpretation in force in courts of equity.

Applying such rules, Peru submits that the Honorable Arbitrator should find and decree:

First, that changed conditions through the lapse of thirty years have made unfair, unjust and contrary to the intent of the parties, a plebiscite now, whether with or without the fault of either party.

Second, that a plebiscite now would be especially unfair and unjust since the character of the population of Tacna and Arica has been changed by the acts of Chile for the very purpose of controlling the vote.

Third, that the only method now of carrying out, in justice and equity, the general object and aim of Article III of the Treaty of Ancon is to decree title and sovereignty and right of possession in Peru, with such further relief, in view of the unlawful occupancy by Chile for thirty years, as equity and good conscience require.

Fourth, that such further relief in equity must include an accounting by Chile to Peru for the damages sustained by the unlawful occupancy of Tacna and Arica, during the last thirty years.

Fifth, that since, as the undisputed facts show, Chile, by the admissions and representations of the responsible officials of her Government

at the time of the negotiation of the Treaty of Ancon, placed a value of ten million pesos upon the occupancy of these provinces for the ten-year period, and since Chile has continued that occupancy for thirty years in addition, no part of the ten millions referred to in the Treaty of Ancon should now be exacted from Peru as a condition for the return of her territory but Chile should pay to Peru at least twenty million pesos.

Sixth, that any investments or improvements made by Chile in the provinces of Tacna and Arica during the period of her unlawful occupancy, were made at her own peril upon the property of another, and cannot be recovered.

Seventh, that Peruvian citizens in Tacna and Arica who have been driven from their homes by the Government of Chile, during Chile's thirty years of illegal possession and whose property has been destroyed or incomes suspended, should be reimbursed by Chile for the unlawful sacrifices to which they have been subjected.

Eighth, that as to Tarata, the Chilean occupation of this province was illegal *ab initio,* and it must be immediately restored to Peru.

Ninth, that as to Chilcaya, this district, which has always been a part of the province of Arica, and therefore within the territory temporarily occupied by Chile, was unlawfully incorporated by Chile as a part of Tarapacá and must be immediately restored to Arica.

Tenth, that in the consideration of any money indemnity between the parties, while the question of Tarapacá is eliminated from this arbitration it is entirely proper to take into account the fact that Chile has already received from that Province alone *forty times* her total war expenditures, and is still receiving an *annual revenue* from this source of a sum greater than all the war expenditures incurred at the beginning of this controversy.

Respectfully submitted,

SOLÓN POLO,
President of the Peruvian Arbitration Commission

JOSEPH E. DAVIES,
WADE H. ELLIS,
HOKE SMITH,
Counsel for the Government of Peru

EDWIN M. BORCHARD,
Counsel for the Government of Peru
J. S. CAVERO,
Juridical Counsel to the Commission

B. OPINION ON THE CONFLICT IN THE PACIFIC BETWEEN THE REPUBLIC OF PERU AND THE REPUBLIC OF CHILE RELATING TO THE TERRITORIES OF TACNA AND ARICA, BY SIR THOMAS BARCLAY

[April, 1919. *Arbitration between Peru and Chile. Appendix to the Counter Case of Peru in the Matter of the Controversy arising out of the Question of the Pacific before the President of the United States of America as Arbitrator* (1923), II, 8–12. National Capital Press, Inc., Washington.]

Questions

On this Statement of Facts, my opinion is sought concerning the following points:

1. What is the nature and what is the legal effect of Article 3 of the Treaty of Ancon?

2. Has there been a waiver of rights on the part of Peru? i.e., a waiver of rights on the part of Peru in favour of the occupying State in the nature of acquisition by prescription?

3. Is the failure to carry out imputable to Peru?

4. Is it imputable to Chile?

5. What are the juridical consequences of the failure to carry out the said clause by the two parties?

6. Is it still susceptible of being carried out?

7. If the difficulties cannot be solved diplomatically, what must the solution be?

Answers

1. The Treaty of Ancon establishes three sets of different rights and interests: those of Peru, those of the inhabitants at the time of the conclusion of the Treaty and of their successors and those of Chile.

As regards Peru, it continued to be the Sovereign State, subject to the two reservations in favour of the inhabitants and of Chile. Chile's right was a right of occupation which expired at the end of ten years of the tenancy granted. The right granted to the inhabitants is accessory and until exercised, it leaves intact the legal situation existing between Peru and Chile. This situation is that Chile had a right of occupation of the territory in question until 1894, when the 10,000,000 piastres would be payable by Peru upon the evacuation by Chile. If the State of Chile became the Sovereign State at the end of these ten years,

it was to pay to Peru the same amount as being the value of the perpetual sovereignty.

It follows that the plebiscite should have been prepared as was proposed by Peru before the expiration of the lease (Vide No. 7 — Statement of Facts) in order that it might be possible to take it before or on the day of its expiration.

The Article in question places the population of the occupied territory for ten years under the régime of Chilean legislation, but leaves to that population the option, upon the expiry of the time stated, of deciding by means of a plebiscite whether it wishes to remain under the new or to continue under the old sovereignty.

There are precedents of occupation without domination, but what distinguishes the Tacna and Arica question is the fact that the Treaty leaves it to the population to decide at a certain date whether it wishes to become Chilean. It continues to be Peruvian if it does not decide the contrary. The wording of the Treaty is explicit: *continúa siendo parte del territorio peruano.* The use of the word *continúa* leaves no doubt as to the intention of the two States at the time the Treaty was concluded. The alternative which was left to the popular vote was to remain (*quedar*) under the domination and sovereignty of Chile. It was not a question of becoming Peruvian again. The population continued to be Peruvian subject to its option of becoming definitely Chilean.

Chile has contended that the absence of a date for the taking of the plebiscite entitles it to remain in possession. There is neither foundation nor analogy for such an inference. Peru has claimed the appeal to the plebiscite before and ever since the expiration of the lease.

The only analogy to be found in civilian affairs for such a case would be that of a tenant who has remained in occupation failing any available forces to evict him.

It is obvious that an extension of the occupation might change the situation to the detriment of Peru; that a new generation born in the territory in question, growing up under the régime of laws of the occupying State, and having interests rather within the latter than beyond the frontiers, might in time lose its affection for the mother-country; that the infiltration of Chilean population might turn the popular scale in favor of Chile.

Thus the date which was ten years after the signature when the plebiscite should have taken place was an essential factor in the Treaty of Ancon.

After the expiration of the time, the presumption was that the territory and its population continued to be Peruvian. The occupation was to come to an end on the expiration of ten years unless there was a contrary decision by the population itself.

2. The statement of facts answers this question. The question has remained open. Peru has never allowed sufficient time to elapse between its numerous claims to warrant any suggestion of a waiver of rights. Moreover Chile does not raise the question.

3. The failure to carry out the Article in question of the Treaty of Ancon cannot be imputed to Peru which in 1898 had accepted a protocol which regulated the question of the plebiscite as provided for by the said Article. This protocol was rejected by Chile.

4. This failure is imputable to Chile by reason of this refusal. Prior to such refusal this State might have argued that the carrying out of Article 3 of the Treaty of Ancon provided for by this protocol which made no reservations, covered previous failures for which it might have been held responsible by reason of the delay in carrying out. Its refusal not only made it responsible for the non-execution, but also revived and restored Peru's rights against Chile which the protocol might otherwise have covered.

5. Title cannot be created by the default, the act or the refusal to act on the part of the party by whom such title is claimed.

Chile's rights cannot have increased or improved by reason merely of its attitude of refusal to carry out.

Chile can no longer insist upon a plebiscite which by its own act, it has lost the right to claim.

The proviso concerning the plebiscite was inserted in the Treaty manifestly in Chile's interest. The status quo was that the territory in question continued to be Peruvian unless there was a popular decision to the contrary at the end of an occupation of ten years. In other words, Chile was there only in the position of a tenant with an option of permanent acquisition subject to the consent of the population.

Chile did not exercise its right at the end of the ten years. In a civil case, Peru would resume possession of its territory, and between

States, International Law endeavours to apply that which most nearly approximates Civil Law.

6. Chile having lost its right as a tenant with option to purchase, it is Peru's right to decide between the application of the plebiscite and the payment of the 10,000,000 piastres due to Chile under the terms of the Treaty, without prejudice to Peru's right to claim compensation for unwarranted occupation by Chile.

An unofficial suggestion that the occupation was but a permanent taking of possession in disguise is not admissible in the face of the elaborate stipulations of the Treaty, the determination of a date for the evacuation, and the reservation as to a popular decision.

As a matter of fact, the occupation of Tacna and Arica according to these stipulations, essentially differs from all other cases of occupation with attribution or exercise of sovereignty; from the case between the Venezuela and British Guiana where there was a frontier to be traced, a question which was settled by arbitration; from the case of Bosnia-Herzegovina between Austria-Hungary and Turkey arising out of a treaty which had not stipulated any length of time for the occupation; from the case of Schleswig which arose out of a stipulation liable to immediate execution, that is to say, without time or limit of occupation.

7. Chile being in possession and the Society of Nations not having been yet constituted with the necessary powers and means to administer justice between the two States in question, there remain but the direct diplomatic method, mediation, international inquiry or arbitration.

The direct diplomatic method appears to have failed and the inquiry which is but a means of collecting information as to facts could not, it seems, serve any useful purpose. There remains therefore, but mediation or failing mediation, arbitration. In the one as in the other case it can no longer be merely a question as to the modalities of the plebiscite as had been proposed in the Protocol of 1898, but of the whole position as it appears at the present day and especially as regards reentry upon the territory unduly occupied by Chile, of the supplementary indemnity for losses due to the supercession of Peru's sovereign rights since 1894.

It is clear from the ensemble of the position established by the facts of the case that Peru has never ceased to lay stress upon the rights which it derives from Article 3 of the Treaty of Ancon.

It has been seen that Chile in fact has never been able to deny its wrong and that, on two separate occasions, its government took steps, which were later abandoned, in order to give satisfaction to the Peruvian claims.

The de facto situation has got complicated owing to the lapse of time with changes of population. The population of the present day is no longer that of 1894, which alone was contemplated in the Treaty of Ancon.

How can the Treaty of 1884 be executed after twenty-five years of unwarranted occupation?

Three solutions appear possible:

1. That provided for by the Treaty itself, i.e., the plebiscite in which only the population habitually resident in the two Provinces in 1894 would take part.

2. That of considering that the failure to carry out this clause operates as a waiver of the right which enabled Chile with the consent of the population to convert its temporary occupation into a permanent acquisition, a right of which it is too late now to take advantage.

3. That of submitting the whole question to the decision of arbitrators or of a State, or to accept the mediation of a State which would considerably abridge the delay and expense involved in arriving at a solution.

The solution which appears to be required as a matter of law, is the second.

I may wind up by recalling the provisions of the Hague Conventions of 1899 and 1907 on Arbitration which have been ratified by both Parties and in which Article XXXVI (Article XVI of the Convention of 1899) provides that "in questions of juridical order and especially in questions of interpretation or application of international conventions, arbitration is recognized by the contracting Powers (in the convention of 1899 'the signatory Powers') to be the most efficacious and at the same time the most equitable means of adjusting differences which have not been settled by diplomatic methods."

The differences relating to Tacna and Arica being both a question of a juridical order and a question of the application of a convention comes in a two-fold capacity within the terms of the above cited Article.

(Signed) THOMAS BARCLAY

(There follow the address of the counsel and the certificate of the authenticity of his signature.)

C. THE AWARD OF THE ARBITRATOR BETWEEN THE REPUBLIC OF CHILE AND THE REPUBLIC OF PERU

[March 4, 1925. *In the Matter of the Arbitration between the Republic of Chile and the Republic of Peru, with Respect to the Unfulfilled Provisions of the Treaty of Peace of October 20, 1883, under the Protocol and Supplementary Act signed at Washington, July 20, 1922. Opinion and Award of the Arbitrator* (1925), 60–64. United States Government Printing Office, Washington.]

The Arbitrator decides that no part of the Peruvian Province of Tarata is included in the territory covered by the provisions of Article 3 of the Treaty of Ancon; that the territory to which Article 3 relates is exclusively that of the Peruvian provinces of Tacna and Arica as they stood on October 20, 1883; and that the northern boundary of that part of the territory covered by Article 3 which was within the Peruvian Province of Tacna is the River Sama.

The Southern Boundary — Chilcaya

The southern boundary of the territory covered by Article 3 of the Treaty of Ancon is stated therein to be "the ravine and River Camarones."

In this relation, it should be noted that Article 2 of the treaty provided for the cession by Peru to Chile in perpetuity of "the territory of the littoral province of Tarapaca, the boundaries of which are, on the north the ravine and River Camarones."

It thus appears that by both these articles the boundary between the Peruvian Province of Tarapaca, ceded absolutely to Chile, and of the territory of the Peruvian provinces of Tacna and Arica to be continued, as stated, in the possession of Chile, is given simply as "the ravine and the River Camarones." There appears to be no dispute as to this boundary between the mouth of the river Camarones at the Pacific Ocean and Arapunta, the junction of the two principal tributaries, the Ajatama coming in from the northeast and the Caritaya coming in from the southeast. Chile contends that the Ajatama is the true continuation of the Camarones and claims the line of the Ajatama to the point where it is joined by the Rio Blanco and from that point draws a line to the Bolivian frontier which is based largely upon what Chile asserts to have been the legal or traditional boundary line between the territories of the Peruvian provinces of Arica and Tarapaca.

This is in accord with a Chilean decree of May 4, 1904. Chile, however, asks that an expert commission be appointed by the Arbitrator to fix the line.

Peru expresses her intention of abiding by the decision which the Arbitrator may consider to be appropriate and equitable, but is understood to claim the river Caritaya as the true boundary from Arepunta to its source, apparently maintaining that that source intersects with the Bolivian frontier.

Between these two lines lie the valuable borax deposits of Chilcaya, over which there has been a serious controversy between rival private claimants. This dispute may have been influential in bringing about the delimitation decree made by Chile in 1904. Much of the evidence introduced in this record consists of reports and opinions which were pertinent to the controversy between private litigants. In the litigation, it was held in 1904, by the Chilean court in Arica that the plaintiffs, claimants of the borate mines of Chilcaya under Tarapaca titles, had failed to sustain their claims by a preponderance of evidence and that the judgment should be in favor of the defendants in possession claiming under Arica titles. The court held, however, that it was not competent to decide on the boundaries between Arica and Pisagua (Tarapaca). On January 3, 1905, this decision was affirmed on technical grounds by the Chilean Court of Appeals of Tacna.

Both Parties seem to agree that the treaty line and the old Peruvian provincial boundary line are the same, and the Arbitrator taking the clause in question in the light of its context is of this view. It is impossible, however, to fix this line upon the data submitted to the Arbitrator.

The Arbitrator decides that the southern boundary of the territory covered by Article 3 of the Treaty of Ancon is the Peruvian provincial boundary between the Peruvian provinces of Arica and Tarapaca as they stood on October 20, 1883.

Conclusion

The Arbitrator accordingly decides:

That the territory to which Article 3 of the Treaty of Ancon relates, and the disposition of which is to be determined by the plebiscite to be held as hereinbefore provided, is the territory of the Peruvian provinces of Tacna and Arica as they stood on October 20, 1883; that is to say,

so much of the territory of the said Peruvian province of Tacna as is bounded on the north by the River Sama, and the whole of the said Peruvian province of Arica;

That the Arbitrator reserves the power and right to appoint a Special Commission consisting of three persons, one to be nominated by Chile, another to be nominated by Peru, and the third to be designated by the Arbitrator, to draw the boundary lines of the territory covered by Article 3 of the Treaty of Ancon in accordance with the determination of the Arbitrator in this Opinion and Award; that if either Party fails to make its nomination of a member of said Commission within four months after the date of this Opinion and Award, the Arbitrator shall have the power and right to appoint a member of said Special Commission to fill the vacancy so arising; and that vacancies in said Special Commission shall be filled in the same manner as the original appointments;

That within four months after the date of this Opinion and Award, each Party shall deposit a sum to be fixed by the Arbitrator in an institution to be named by him in order to meet the expenses and compensation of the members of said Special Commission and the Parties shall within two months after the date of this Opinion and Award submit to the Arbitrator their estimates of said expenses and compensation; that the failure of either Party to submit such estimate, shall not prevent the decision of the Arbitrator as to the amount of such deposit, and if either Party fails to make deposit of the amount fixed by the Arbitrator, the other Party may make the deposit required and the amount so advanced by either Party on behalf of the other shall be added to or deducted from the amount to be received or paid by such Party, making the advance, under the second paragraph of Article 3 of the Treaty of Ancon;

That all the periods hereinbefore mentioned may be extended or changed by the Arbitrator;

That the holding of the plebiscite as hereinbefore provided shall not be delayed to await the proceedings or report of said Special Commission on boundaries but that either Party may challenge the right of any person to register or vote in said plebiscite upon the ground that he was born or resided as the case may be, outside the limits of the territory covered by Article 3 of the Treaty of Ancon as defined in this Opinion and Award, and the Plebiscitary Commission shall cause a

separate record to be kept of all such persons whose right to register and vote may be affected by the report of the Special Commission on boundaries, and the votes of such persons shall also be separately kept.

That the Arbitrator reserves the power and right to pass upon, adopt, modify or reject the report of said Special Commission, or to appoint a new Special Commission and pass upon its report in like manner;

That if it appears from the report of the Plebiscitary Commission that the result of the plebiscite may depend upon the votes of persons whose right to register or vote may be in doubt until the boundaries of the territory covered by Article 3 of the Treaty of Ancon have been fixed as hereinbefore provided, the Arbitrator shall withhold the proclamation of the result of the plebiscite until said boundaries have been fixed and the right of such persons to register and vote has been determined accordingly.

In Testimony Whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

Done in triplicate at the City of Washington the fourth day of March one thousand nine hundred and twenty-five, and of the independence of the United States the one hundred and forty-ninth.

(Seal) CALVIN COOLIDGE

By the President:

CHARLES E. HUGHES,
Secretary of State

PANAMERICANISM

140. A Society of American Nations

[Panama, June 24, 1926. The two resolutions were translated and published by *The Star and Herald of Panama*, June 25, 1926, on page 1.]

The Panamerican Centennial Congress, or *El Congreso Panamericano conmemorativo de del Bolívar*, met in Panama from June 18 to June 25, 1926. Its purpose was twofold: to commemorate in an appropriate manner the services rendered by Simón Bolívar in behalf of the cause of the Americas and to afford a further opportunity to bring about closer and more friendly relations between the peoples of these continents. Among its acts was the adoption of the two following resolutions.

I

Whereas the nations of the New World are united by eternal bonds of democracy and by the same conception of justice and liberty; and,

Whereas the logic of the principles which they have maintained and still maintain and of the interests which affect them should determine a close unity in action to better insure the greatest efficiency of the former and the freer development of the latter:

Be It Resolved: To recommend to the Nations of the New World that they adopt as their policy in their international relations the principle that every act carried against one of them violating the universally recognized precepts of International Law shall constitute an offense for all and, therefore, provoke among them a uniform and common reaction.

II

The Congress of Bolívar, after having studied the works submitted with relation to topic "b" of item No. 1 of the program of the Congress, which says: "Idea of a League which corresponds with the

Pan-American conception of the Congress of Bolívar," and in view of the difficulties which have arisen in reaching immediate practical results owing to the brief duration of this Assembly; Agrees:

1. To recognize the convenience of constituting a Society of American Nations, which, within the modern conception of International Law, and, considerate of the situation of the Nations of the Continent, may correspond to the fundamental aspiration of Bolívar, which gave life to the Congress of Panama.

2. To recommend, in effect, to the Governments of the American countries that they reach an agreement to hold a Congress of Plenipotentiaries for the exclusive purpose of elaborating the constitutive pact of that League.

3. That this Congress of Plenipotentiaries be held in an American city which the governments, by agreement, shall designate.

4. That the Government of Panama be charged with initiating before the American Chancelleries the preliminary negotiations for the convocation and assembly projected.

5. That the Pan-American Union be urged to lend its coöperation for the speediest and best realization of this idea.

6. That copies of the works presented on the subject which motivates this agreement be forwarded to the Governments of the Continent for their information and guide.

141. Declaration of the Rights and Duties of Nations

[Washington, January 6, 1916. James Brown Scott, *The Final Act and Interpretative Commentary Thereon. The Second Pan-American Scientific Congress, December 27, 1915–January 8, 1916* (1916), 114–115. United States Government Printing Office, Washington.]

The American Institute of International Law held a meeting in Washington, D.C., in 1915–1916. Its sessions were held in connection with and under the auspices of the Second Pan-american Scientific Congress. Among its important acts was the adoption of the document given in full below.

Whereas, the municipal law of civilized nations recognizes and protects the right to life, the right to liberty, the right to the pursuit of happiness, as added by the Declaration of Independence of the United

States of America, the right to legal equality, the right to property, and the right to the enjoyment of the aforesaid rights; and

Whereas, these fundamental rights, thus universally recognized, create a duty on the part of the peoples of all nations to observe them; and

Whereas, according to the political philosophy of the Declaration of Independence of the United States, and the universal practice of the American Republics, nations or governments are regarded as created by the people, deriving their just powers from the consent of the governed, and are instituted among men to promote their safety and happiness and to secure to the people the enjoyment of their fundamental rights; and

Whereas, the rights and duties of nations are, by virtue of membership in the society of nations, exercised and performed conformably to the requirements of the solidarity uniting the members of the society of civilized nations, recognized by the First Hague Peace Conference in 1899, and reaffirmed by the Second Hague Peace Conference in 1907; and

Whereas, the Nation is a moral or juristic person, the creature of law, and subordinated to law as is the natural person in political society; and

Whereas, we deem that these fundamental rights can be stated in terms of international law and applied to the relations of the members of the society of nations, one with another, just as they have been applied in the relations of the citizens or subjects of the states forming the Society of Nations; and

Whereas, these fundamental rights of national jurisprudence, namely, the right to life, the right to liberty, the right to the pursuit of happiness, the right to equality before the law, the right to property, and the right to the observance thereof are, when stated in terms of international law, the right of the nation to exist and to protect and to conserve its existence; the right of independence and the freedom to develop itself without interference or control from other nations; the right of equality in law and before law; the right to territory within defined boundaries and to exclusive jurisdiction therein; and the right to the observance of these fundamental rights; and

Whereas, the rights and duties of nations are, by virtue of membership in the society thereof, to be exercised and performed in accordance

with the exigencies of their mutual interdependence expressed in the preamble of the Convention for the pacific settlement of international disputes of the First and Second Hague Peace Conferences, recognizing the solidarity which unites the members of the society of civilized nations:

Therefore, The American Institute of International Law, at its first session, held in the City of Washington, in the United States of America, on the sixth day of January, 1916, adopts the following six articles, together with the commentary thereon, to be known as its Declaration of the Rights and Duties of Nations.

I. Every nation has the right to exist and to protect and conserve its existence; but this right neither implies the right nor justifies the act of the state to protect itself or to conserve its existence by the commission of unlawful acts against innocent and unoffending states.

II. Every nation has the right to independence in the sense that it has a right to the pursuit of happiness and is free to develop itself without interference or control from other states, provided that in so doing it does not interfere with or violate the rights of other states.

III. Every nation is in law and before law the equal of every other nation belonging to the society of nations, and all nations have the right to claim and, according to the Declaration of Independence of the United States, "to assume, among the powers of the earth, the separate and equal station to which the laws of nature and of nature's God entitle them."

IV. Every nation has the right to territory within defined boundaries, and to exercise exclusive jurisdiction over its territory, and all persons whether native or foreign found therein.

V. Every nation entitled to a right by the law of nations is entitled to have that right respected and protected by all other nations, for right and duty are correlative, and the right of one is the duty of all to observe.

VI. International law is at one and the same time both national and international; national in the sense that it is the law of the land and applicable as such to the decision of all questions involving its principles; international in the sense that it is the law of the society of nations and applicable as such to all questions between and among the members of the society of nations involving its principles.

142. Perú's Homage to an Uruguayan Statesman

[1917. *Inter-America*, II, 215–220. Reprinted by permission of the author, Víctor Andrés Belaúnde, and the publishers, the Carnegie Endowment for International Peace, Division of Intercourse and Education, New York.]

Baltasar Brum of Uruguay has had a distinguished career, having served his country in many important positions, notably that of secretary of foreign affairs and president of the republic. He has been for many years an advocate of a closer union of the American states, but on a basis of absolute equality. He has advocated an American league which would consider jointly all American problems and the members of which would undertake to defend each other against aggression either from the Old World or from another power in the New World. In the league there were to be no regional understandings, such as the Monroe Doctrine. In their place would be a Panamerican doctrine which would give concrete expression to American solidarity and enlarge the community of interest between the various states composing the whole of America. The excerpts here given are from an address delivered in honor of Brum at the University of San Marcos by Professor Víctor Andrés Belaúnde of that institution on the occasion of the visit of the Uruguayan to Lima in 1917.

In my words I bring homage and a memory: homage because the youths of Perú have desired, in conferring this highest of honors upon me, that I should to-night gather and express their applause of your ideas and your victories; and a memory, that of the campaigns you have inaugurated as a student in the congress of Montevideo, a happy augury of the undertakings it has fallen to your lot to achieve as a statesman. Your companions of that pleasant assembly have beheld with pride how, with the passing years, their irreplaceable secretary has changed into the public man of continental figure. It was not a surprise to our fraternal intuition that your powers of organization in the labors of the congress should be exalted later to the accomplishment of administrative reforms of transcendent importance; that your tact and your political acumen, enriched by experience and culture, should assign to you the task of restoring your party; and

that your vibrating enthusiasm for American confraternity should behold, as time went by, the formula of continental solidarity, justly called Uruguayan, definitely incorporated to-day in the international creed of America.

The secret of your marvelous career is to be sought not only in the amplitude of your intelligence and the vigor of your will: it resides in your possession of the characteristic zeal of the true political idealist. Far removed from the minute appreciation of things and the solicitations of material interests; removed far also from the ecstatic utopias and unproductive imaginations of visionaries, you have at one and the same time the worship of the ideal and an intuitive and accurate perception of reality. It might be said that you are an experienced dreamer. Your spirit drinks inspiration from the highest and most advanced conceptions; your activity is ready for struggle and endeavor. You are well aware that the road to success is one of generous audacities, and that definitive consecrations are only to be reached in self-forgetfulness and sacrifice. He who deals with you close at hand is impressed by your optimistic sincerity and your perennial laboriousness. Hence it is that your life has been spent in a rhythm of struggle and a rhythm of triumph.

Your tour of the continent would have been incomplete, if you had not visited our country. Few peoples are better prepared to comprehend your ideals and listen to your utterances. This home of ours can receive your banner, and our friendly arms can offer you the most open and cordial hospitality: the hospitality of absolute spiritual comprehension.

The relations between Uruguay and Perú do not depend upon material interests nor upon the selfish motives of a political equilibrium. We are indissolubly united by ties of a higher order. The ideal for which our fathers fought is your ideal. The ancient ensign that floated over the Pacific is waved by fervent hands on the shores of the Atlantic; and new and powerful lampadaries are making ready to transmit to future generations the flame of our old enthusiasms and our dreams of fraternity. Above this historical solidarity, this identity of function in the policy of the continent, the new Uruguayan and Peruvian generations are bound together by the same conception regarding the moral physiognomy of America and of her mission in the destinies of the world.

The dreamed of Atlantis, reaching the length of the planet, bathed by the immense oceans, embracing all the prodigies of nature, is the world's economic center of gravity; the vast arena of selfish activity, of the spirit of enterprise and of the intoxication of adventure; the gigantic theater of the unexhausted human will both to enjoy living and dominating and to be able to live and to dominate. In the presence of this materialistic conception, masters of idealism in Uruguay and Perú have proclaimed a greater conception. America is for us something more than the land of unique productions and indispensable wealth, something more than the brilliant palestra of the struggle for existence. America is the source of new ideas and new sentiments; she is the fashioner of new forms of human life, and above all, of irresistible energies to realize them. The land fecund for the production of life has also yielded the red flower of sacrifice. An exuberant and very abundant sap has been offered as a holocaust: every new ideal received here its tribute of blood, and when heroic death reaped its harvest of the new shoots athwart the palpitating earth, across the illimitable pampas, on the inaccessible summits, glory shone with its most gorgeous splendors.

Let us build up our faith in the mission of America by turning our eyes toward the past. The convention of Philadelphia proclaimed human liberty thirteen years before the declaration of the rights of man raised upon the ruins of monarchy its eternal oriflamme.

The abolition of slavery needed for its definitive consummation the courage of heroic struggles and the seal of the blood of martyrs. Destiny deigned to make America the sublime theater of those struggles and the altar of a fruitful martyrdom.

Castelar recalls that the states hostile to slavery had in front of them the best seasoned of armies and an unfriendly Europe. Yet Lincoln improvised an army of two million soldiers; he mobilized his armies from the Potomac to the Tennessee; he won six hundred battles, and he died, like Christ, when his work was finished. After four years of titanic efforts, after having sacrificed to the ideal of human liberty all life's values, the great democracy, in breaking the chains of the slaves, forged from the same iron, redeemed by her heroes, the indestructible chain of her national unity.

Fifty years pass, and the miracle of history is repeated. It is not now a question of human liberty, of the faculty of disposing of our in-

dividual and selfish activity: battle must be joined for a higher ideal; a more sacred right, that concerns the very essence of society, must be won. It is the right to live within a unity formed by the same traditions and the same ideals; to establish a home under the shadow of the flag dearest to the heart; to mingle with the men of the same blood, of the same language, who treasure memories of the same fond legends; to return, after the cruel mutilations, to the maternal bosom in order to bud again with the old sap, and experience the sweet call of the earth and the never forgotten dead. It is the principle of nationality, the freedom of peoples to decide their own destiny. In ancient Europe, this new human ideal is passing through an epoch of most painful trial. In the apocalyptic duel, the Christian idea of justice is warring with the pagan idea of power; the impulses of liberty battle with the imperatives of organization; democratic institutions, with the survivals of feudal monarchies. Chivalrous Belgium, indomitable Serbia, are immolated in the dream of universal dominion. France suffers the pangs of a new dismemberment; Italy sees her hopes of integration overclouded; and the ideal of a double political and economic hegemony sweeps over the Slavic peoples, toward the fantastic Orient. It is the tragic judgment of God; it is the struggle of Ormuzd and Ahriman. In the colossal conflagration burn and are consumed all the values of human civilization.

What will the great democracy that proclaimed individual guaranties and redeemed slavery do? What will the great wise and industrial nationality that transformed manufacturing and has elaborated a new political law and a new psychology do? Will she continue given over to work and thought, to the peace of the city censured by William James, in which life loses its poetry for want of adventure and danger? No! The people of Washington and Lincoln, of the epopee of 1776, of the martyrdom of the war of secession, is not going to continue, face to face with the world's tortures, in the rhythmic pounding of its factories or in the placid silence of its wise men's thought. It will abandon the joys of life, the pleasures of a dominating will and the sweet delights of ideas: for the hour of blood and sacrifice has come. The voice of the historic *fatum* calls upon America to decide, in the desperately balanced struggle of the rival powers. True it is that the American democracy has neither soldiers nor transports, and that the sentiment of peace forms the soul of that people. It matters not,

however; the consciousness of an enormous ideal, the deep sense of a providential mission, will set all souls on fire; and Wilson will revive the prodigy of Lincoln. He will not improvise two million men, but ten; he will not mobilize the armies from the Potomac to the Tennessee; they will cross the Atlantic, and when they set their feet upon the Old World, the earth will tremble with rejoicing, from a presentment of future victories; the blood of the new men will infuse courage into the ranks of the exhausted fighters; side by side with the democratic ensign of England and the glorious banner of France flutters now the flag that redeemed the slave and that will redeem the peoples; above the thunder of the cannon rise the shouts of annunciation, and, in the glare of that infinite conflagration, victory spreads her wings.

Immortal people! Thou wast born for religious liberty; thou didst free thyself by proclaiming the rights of man; thou didst weld together thy national unity by abolishing slavery, and thou decidest the destiny of the world in order to establish justice among the nations!

Spanish America? Our America by blood, by history and by hopes? She also has the unmistakable moral physiognomy bestowed upon her by being the vast laboratory of democratic essays, by the idealistic fever to consummate her independence and by her cherished dream, since she was born into the free life, of establishing fraternity and justice.

The essential traits of the American soul culminated in the war of independence. Therefore I shall never become resigned to accepting the theory that explains the movement of Spanish-American emancipation by causes of an economic order. The liberty of the young peoples was the result of a marvelous conjunction of sentiment for the land, and fervor and enthusiasm for the new human ideals proclaimed by the American and the French revolutions. The war of independence is the prodigy of an ideal, conscientiously prepared by superior minds, brought painfully into action by heroic wills, in opposition to all the elements: nature, economic interests, military power and political organizations.

As the last century dawned and as human destinies were changing, there extended from México to the Plata the holy intoxication of liberty. To it were sacrificed the wealth of cities, the tranquillity of peoples and the life of two generations. Since the emancipation movement was idealistic, it was expansive and dominating; since a mystical

power palpitated in it, it was irresistible. The movement in the south, inspired at the beginning by causes of an economic character, became gigantic and supreme in the soul of San Martín; and then it surmounted the cordilleras and liberated Chile; it crossed the sea and proclaimed the independence of Perú. The movement of the north was the supreme exaltation of an ideal incarnate in the figure of a maximum hero. That ideal made of the campaign of 1813 a prodigy of the world's military history. That ideal imparted energy and life to the poor human specters of which Rodó speaks, who crossed the Andes to conquer at Boyacá and to transform into martial victories the last among those specters upon the plains of Carabobo. That ideal pushed the wave of freedom toward the sea and brought it to the land of the solar Incas and the grave viceroys. The liberative whirlwind again ascended the Andes, passed like a strange tremor of life along the table-land, where reposed the silent ruins of extinguished civilizations, and climbed to the summit of legendary Potosí to unfurl upon the vast panorama of the continent the united ensigns of the free peoples: eternal symbol of the fact that America will be great only when she feels the palpitation of an ideal and the warmth of her sacred union.

That which imparts a character of greater sublimity to a war for independence, as compared with a war for conquest, is the mysterious power of the ideal. The two epopees had the same picturesque scenery. If indeed it is true that during the period of independence nature was partially known, it had not been dominated: the same solitude upon the heights, the same mystery in the forests. The liberators, like the soldiers of the conquest, plowed the legendary rivers and tracked the eternal snows. Painful was the struggle with nature; more painful even the struggle with men. The liberators, instead of fighting with barbaric empires, had in front of them organized governments; instead of formless masses, regular armies; instead of primitive strategists, Spain's best warriors: Morillo and Canterac. However, more than all this, the struggle for emancipation reveals its greatness by its moral finality. Although there palpitated in the enterprises of the conquerors, side by side with material interest, the courage of sublime audacities, and although their work was a marvelous display of heroic energies, Pizarro and his companions sought, as their supreme object, the gold of Tahuantisuyo, as Cortés and his companions sought the gold of Anáhuac. The epic discoverers who, in a glorious curve from

the Guayanas to the Plata opened a trail through the forests toward the heart of the continent, desired to reach the fantastic lakes with islands of marble and porphyry, with sands of gold and pebbles of diamond.

The liberators displayed the most heroic prowess and achieved the most noble deeds in their search — not in their own behalf, but in behalf of their descendants — for a Dorado greater than the Dorado of the legends: the Dorado of liberty.

Thus, at the beginning of the nineteenth century, America assumed a personality in the concert of the world, because she fused all her peoples in the same aspiration and the same sacrifice. Two characteristics synthesized the spirit of the American revolution: heroic enthusiasm and a sentiment of unity.

A hundred years passed. The onward march of humanity created new ideals, and, by a sublime law of history, the approximation of each new ideal must involve a heartrending tragedy. The principle of nationality, initiated in the American revolution, and consummated in the French revolution, was smothered by the political equilibrium or the rivalries of hegemony. From the great revolutionary commotion and from the Napoleonic epopee issued civil equality and political liberty in definitive form, and the sentiment of great nationalities was revived. However, neither the equilibrium nor the hegemony were extinguished, nor were the liberty of weak peoples and international justice established. Successive efforts have changed the old monarchical states into just and humane democracies; but they have not succeeded in making juridical principles the basis of the life of humanity. The European conflict presents to our eyes a sanguinary crisis, big with the mystery of future solutions. The major problem that the military imperialism of Rome did not resolve with its elements of force in the still virgin land; which the papacy could not decide in the middle ages with the incomparable energy of the religious sentiments; whose profound human significance could not be penetrated by Carlos V, Louis XIV and Napoleon, presents itself in the midst of the desperate strife of races and empires, not in order to find a solution in the unity of force or in the unity of authority, now impossible, but of harmony in the equality of all the nations and of justice for all men.

The war is therefore the greatest event of history since the advent of Christianity; greater than the Renaissance, which returned to us a

sense of nature and life; greater than the religious reformation, which bestowed upon us spiritual liberty; and greater than the revolution, which brought us political liberty.

Well then, what does our America feel in the presence of that ideal upon its sad march? Where is her heroic enthusiasm? Where is her sentiment of unity? Why does there not spread from México to the Plata the same intoxication that our fathers felt? Why do our hearts not unite and our arms reach out with longing? Is it possible that the ideal of justice and fraternity is not our ideal, that it is not blood of our blood and soul of our soul?

In the face of the tragic sublimity of this hour, irreconcilable interests, distrust and suspicion, incoherence and isolated attitudes, seem a profanation. We saw with pain that the epic courage of those moments did not unite our thought or our action: frontiers seemed still higher; souls further apart. Let us, however, open our hearts to hope. A strong, friendly voice comes to break the silence of this indifference, the chill of this incomprehension. It is a voice that springs from history; in it vibrate the dreams of Bolívar, the longings of San Martín and the faith of Artigas; it speaks to us of fraternity and union, of an ideal and of effort. It is Uruguay that tells us through your lips, friend Brum, that for America the moment for joint action has arrived, and that, by taking advantage of her material and moral forces, she will win the influence to which she has a right in the destinies of the world. The consciousness of the duty and mission of Spanish America is illuminated in the Uruguayan soul and expressed by the words of a man come forth from our ranks, nourished by the same ideals, the pride of our generation. The dream of the philosophers and the ideal of the apostles has found the practical formula of the jurisconsults and the active expression of the politicians. The solidarity of America in the face of the war and of the principles she upholds must be a reality.

Hail Uruguayan nation! Sublime predestination hovers over thy soul. Providence saw fit to endow thee with all the gifts of nature and all the energies of the spirit. Thou representest in the new continent what Switzerland has been for aged Europe. As in Helvetia, thy bucolic moors render life sweet and awaken the love of liberty. Like her, thou wast indomitable and fierce in the defense of thy autonomy. Situated between rival powers, thou wast the refuge of persecuted thought and proscribed heroism. Like the model confederation, thou

dost incarnate neutrality and international justice. Thy towns, like the traditional cantons, possess the instinct of democracy and the fecund disquietude of the most advanced political reforms. If Switzerland is the grain of anise-seed that has perfumed Europe, Uruguay is the spiritual garden that has regaled wondering America with the aroma of the most genuine poesy of the soil in the verses of *Tabare*,[1] and the seasoned fruitage of the most noble of ideals: those of *Ariel*.[2] Blessed land that didst produce the seer-like heroism of Artigas, the rhythms of Zorrilla and the words of Rodó. Stand, youth, now that I have pronounced the name of the master! Death has haloed him with glory. None felt the greatness of America as he felt it; none formulated with more eloquence her future destiny. His marvelous pen awakened in us the worship of heroes and of the great; in his immortal sketches will live the genius of Bolívar, the eloquence of Montalvo, the music of Darío. In consonance with his style, formed of the power contained in it and of the enchantment that dominates it, he caused to flutter over the exuberance of the virgin land and the fieriness of our young blood his ideal of grace, comprehension and harmony. I feel that your applauses are changed to-night into a mysterious emanation which rises above the cordilleras, crosses the infinite forests, traverses the immense sea and reaches the eternal city, the depository of the Latin soul, which was his soul, in order to impart a warm breath of life to the tomb wherein reposes his wise man's brow and his artist's heart amid Hellenic accents and under the Christian cross, a symbol of his work formed from the Greek worship of the beautiful and the spirit of evangelical love.

Let us render now to the dead and to the illustrious ancestors the only homage worthy of them: an action and an effort to realize the ideal that informed their spirit and for which they immolated their lives. Let us sum up in a major work the sacred voice of the founders, the serene activity of the statesman and youth's spirit of hope.

Finally, let us establish fraternity and let us not forget that the only way that leads to it is justice. Let us say, very loud and with the frankness imposed by the solemnity of these moments, that peace and har-

[1] An epic poem by Juan Zorrilla de San Martín: see *Inter-America* for February, 1918, page 130, biographical data.

[2] By José Enrique Rodó: see *Inter-America* for October, 1917, page 23 and page 64, biographical data.

mony in America, as in Europe, will become a fact only by means of a reparation for violence committed and a restitution for outraged right. Let us prepare for the advent of the amphictyonic American. As the Hellenic peoples placed above their political interests and their military rivalries the interests of the race, the worship of their heroes, the love of their language and their conception of life; so the American peoples, who have only one soul, in which are fused the legends collected by Garcilaso, the traditions that immortalized Palma, the visions of the greatness and the prophetic lamentations of the Liberator, Alberdi's intuitions of genius and the sublime realism of Sarmiento, ought to establish the supreme institution which, while representing the physiognomy of each people and its peculiar mission, shall stimulate spiritual values, attend to the common needs and impose the reign of law.

To-morrow, when redeemed humanity shall find in the new continent its true patria; when the treasures snatched from interminable cordilleras shall stir only to peaceful activity; when the rivers shall be united, from the Orinoco to the Plata, by the mysterious communication discovered by Humboldt; when the secular forests fall beneath the blows of fruitfully demolishing axes; and when upon the infinite pampas and the smiling valleys shall arise populous cities, then, from the lands of Anáhuac, from the plains of Cundinamarca and from the Incaic Callao, the men of the future will set forth toward the banks of the Plata to commemorate the new era of justice in your legendary Montevideo. The voices of those men, coming from all parts of America, will raise a vast hymn of fraternity to your symbolic mount that near the immense sea and under the blue sky lifts the arrogance of its summit like an aspiration toward the infinite.

GLOSSARY

A la brigand. After the fashion of a brigand, or bandit.

Abajo de gringos! Down with the foreigners!

Aca. An edible Peruvian root.

Adelantado. A governor of a kingdom or province.

Adobe. A sun-dried brick.

Alcabala. An excise on sales.

Alcalde. A municipal justice of the peace, judge, or mayor.

Alcalde de mi casa y corte. A judge of the royal civil and criminal court.

Alcalde mayor. The principal municipal judge or mayor.

Alguacil. A bailiff, or constable.

Alguacil mayor. A court bailiff, or a high constable

Alhóndiga. A public granary and commercial exchange.

Almçitu saqui. A kind of *taqui*, or music.

Almojarifazgo. An import and export duty.

Alumbre. A light.

Alumbres. A duty or tax on light.

Amaru. A large serpent.

Amaru-cancha. The district of the serpents.

Amonedación. A duty on the privilege of coining money.

Amparo. A privilege or judicial protection.

Anáhuac. The Mexican Plateau.

Anata. Annates: the first fruits or emoluments which a benefice or employ produces.

Andén. A terrace.

Anus. An edible Peruvian root.

Apu. A tribal chieftain.

Apupunchau or **Apu-ppunchau.** The image of the sun, or the lord of day.

Apu-ulmen. The principal tribal chieftain.

Arascu. A coarse woolen cloth.

Armada. A fleet; a ship tax, or duty.

Arroba. A measure of weight equal to twenty-five pounds.

Asiento. A contract.

Asiento de negros. A contract for the trade in negro slaves.

Atahualpa. Inca of Peru conquered by Francisco Pizarro. Also written Atahuallpa, Atabaliba and Atabalipa.

Atisci-Uiracocha. The all-powerful God.

Audiencia. Audience chamber; a place where cases may be heard. A judicial tribunal; the supreme court. It may also mean the district over which the *audiencia* has jurisdiction as well as the building in which the tribunal holds its sessions.

Auto de fé (Spanish) or **auto-da-fé** (Portuguese). Literally, an act of faith. A sentence of the Holy Office of the Inquisition.

Averia. A duty on merchandise.

Axi or **aji.** Spanish for *uchu*, Quichua for Chilean pepper.

Ayllu. A council.

Ayuntamiento. A municipal corporation, or city council. See *Cabildo.* The *casa de ayuntamiento* is a city hall, or council chamber of the city.

Azuela. An adze.

Azumbre. A liquid measure, containing about half an English gallon, or two liters.

Azumbres. A duty on two-liter measures of liquids.

Bajilla. A duty on the manufacture of silver and gold jewelry.

Banda Oriental del Uruguay. The earlier name for the *República Oriental del Uruguay*, the present name of Uruguay.

Barbacoa. A barbecue.

Barcoluengo. An oblong boat with a long bow and a mast in the center.

Barranca. A ravine.

Botija. A kind of earthen jug.

Brazo. A measure the length of an arm; a yard.

Buceo. The act of diving or going under water in search of something. Fishing for pearls.

Buceos de perlas. A duty on pearl fishing.

Búfalo. The Asiatic buffalo, or wild ox.

Bulas. A duty on the sale of papal bulls.

Butacoyag. The general assembly or national council of the Araucanian Confederacy.

Caballería. The aristocracy, or petty nobility.

Caballero. A gentleman, a member of the *caballería*.

Cabildo. A municipal corporation, or council of a town. The term applied to a body of a larger municipality is *Ayuntamiento*.

Cacao. Cocoa.

Cacique. A tribal chieftain.

Caja Real. The royal treasury.

Caldo. Exported wine or vinegar.

Caldos. Import duty on wines, brandies, and vinegar.

Capilla real. The royal chapel.

Carta forera. Royal grant of privileges.

Carta quinta de relación. The Fifth Letter of Hernán Cortés to the Emperor Charles V.

Cartas Regías. Royal Ordinances.

Casa de Contratación. The India House of Trade.

Cascera. An Inca law ordaining that no one should be allowed to be idle. Also ordaining that the Indians should dine and sup with the doors to their houses always open to allow of the free entry and exit of the officers of inspection.

Casus foederis. A term in International Law meaning, literally, a case of the treaty; that is, a case within the provisions or stipulations of a treaty or compact.

Cauca. Warmed *sancu*, or pudding.

Ccapac Ayllu. Descendants of Tupac Inca Ynpanqui.

Ccuricaucha. The house, or temple, of the sun.

Cédula. A decree. A *Real Cédula* is a royal decree.

Censo. A land lease.

Censos. A royal tax on land.

Chicha. A kind of wine.

Chunu. Frozen or dried potatoes.

Chuquilla. The god of Thunder.

Citua. The first day of the feast of the *situa*.

Collcampata. The steps or terraces of an underground granary. *Collcam* means an underground granary; *pata*, a terrace or step of a staircase.

Commendero. See *encomendero*.

Compi. A woolen cloth of finer weave than the *arascu*.

Compromis. A mutual agreement to refer matters in dispute to the decision of arbitrators.

Conquistador. A conqueror.

Consulado. A court to try and decide cases concerning trade and navigation. Also a chamber of commerce.

Consumos. A tax on trade in provisions and other merchandise.

Contador. The comptroller, auditor, or accountant.

Contrayerba. A medicinal plant of Peru.

Cordobanes. A revenue on leather goods.

Cordobano. A leather establishment.

Corpa-huasi. The public houses built along the royal roads of Peru to accommodate guests and travelers.

Corregidor. The principal officer or mayor of a municipality, or a subdivision of a province.

Corregimiento. A territorial subdivision of a province.

Council of the Yndias. The Council of the Indies.

Coup d'œil. With one glance, or sweep of the eye.

Coya and Paullo. Coya, the princess, and Paullo, the son of the Inca Huayua Ccapac. They were the lords of the Pisac vassals at the time that Molina wrote his work.

Coya-fcssa. A woman dedicated to the sun.

Coya-raymi. The month of August.

Crusado. An old Portuguese silver coin worth about ten *reales de vellón*, or about fifty cents.

Cruzada. A crusade; the tribunal of the crusade; or the indulgence granted to those who supported the crusade.

Cruzadas. A duty on the sale of the indulgences of the crusade.

Cruzado. An old Spanish coin of gold, silver, or brass.

Cuadro. A measure of land; a square.

Cuauhtemoc. The name of the last Aztec emperor.

Cunchos. Independent Indians of Chile; that is, at the time of the conquest, and independent of the Araucanians.

Cura. A curate, or priest.

Curaca. A tribal chieftain.

Cuyllas, Cuylla, and Cuyre. Quichua for white fleece-bearing llamas.

De facto. Actually, in fact, in reality.

De jure. By right of law.

Décimos. A tax or duty of a tenth on the product of precious metals.

Dedo. The forty-eighth part of a Spanish yard, or *vara*. The width of a finger.

Députación Americana. The American Deputation to the Spanish Cortes.

Derecho de oro. A duty on gold bullion.

Desembargo. The act of raising an embargo or sequestration; or the removal of an attachment. A tax on the performance of this act.

Doctrina. A religious doctrine, or principle; a curacy.

Ducado. A ducat.

Ducado de oro. A Spanish gold ducat worth about two dollars, twenty-eight cents, and five mills.

Ducado de plata. A Spanish silver ducat worth about one dollar, fourteen cents, and two and a half mills.

El Maestro. The Master, or the Teacher.

Encomendero. The one to whom an *encomienda* or *repartimiento* was granted.

Encomienda. A grant of land and Indians. In feudal language it would be called a *fief*. The system of land grants in this manner.

Escudo. A Spanish gold coin worth about two dollars, or forty *reales*.

Escudo de plata. A Spanish silver coin worth between eight and ten *reales*, or eighty cents to a dollar.

España. Spain.

Española. Little Spain.

Estado. The State; or the state of affairs, or conditions.

Estancia. An estate.

Expurgar. To expurgate, cleanse, or purify.

Fanega. A measure of weight equal to from one hundred and fifty to two hundred English pounds.

Fanegada. A measure of land equal to one and one-tenth acres. Garcilaso de la Vega thus explained these two terms: "*Fanega* is a measure of corn, a *fanegada* is the extent of land necessary to grow a *fanega*."

Fastas. A lateen-rigged craft of the Mediterranean.

Felipe II. Philip II.

Fiesta de gallos. A cockfight.

Fiestas de gallos. A license on cockfighting.

Filipinas. The Philippines.

Fiscal. A state attorney.

Fueros. Special rights and privileges.

Gaucho. A man of the plains of South America; a cowboy.

Grito de Dolores. The Cry of Dolores.

Grito de Ypiranga. The Cry of Ipiranga.

Guía. A permit; a writing or letter of safe-conduct, proving that the customs and duty have been paid at the customhouse.

Guías. Itemized certificates of lading and destination.

Hacendado. The owner of a ranch; a rancher.

Hacienda. A ranch; a revenue.

Hanan-Cuzco and **Hurin-Cuzco.** Upper and Lower Cuzco.

Hatun. Great, powerful.

Hatun Apu. A powerful captain and master of a camp.

Haylli. Quichua word meaning a triumph.

Herrados. Iron-tired carts.

Hidalgo. A gentleman.

Hoyas. Valleys.

Huaca. Quichua for sacred, a sacred thing. The word may mean an idol, any sacred thing, a thing offered to the gods as a sacrifice, a temple of worship, a sepulcher, the corner of a house, all beautiful things, all ugly things, serpents, all unusual things, high mountains, high mountain peaks.

Huaca mucha. The worship of a *huaca*. *Mucha* is the Quichua for worship.

Imperio mero mixto. The power conferred on magistrates to decide both civil and criminal cases of all grades, those punishable with death as well as those of a minor character.

In solidum. A legal term meaning to pay the entire sum.

Inca. A sovereign; one of the royal blood.

Indios agregados. Indians grouped together and occupying permanent settlements.

Instrucción Reservada. Confidential instruction.

Jacales. Huts.

Jaquijahuana, Sacsahuana, or **Xaquixaquana.** A fortress at Cuzco.

Jojoba. An American plant.

Juez de fiscal. An attorney general.

Juez de fuero. An itinerant judge; one especially in charge of the *fueros*, or special rights and privileges.

Juez de Residencia. The judge in charge of the court of inquiry into the conduct of an officer while in office.

Juiz de Fora. See *Juez de fuero.*

La Hacienda. The treasury, or the revenue.

La Real Hacienda. The royal treasury, or the royal revenue.

Lancha. A small boat navigated with sails and oars.

Lanzas. Duty on titles of nobility paid to the Spanish government by the grandees and nobility of the realm in lieu of military service; or in lieu of furnishing lances.

Las Yndias. The Indies.

Licencias. Licenses.

Llacta-comayu. Officers of an Inca village who inspected both public and private houses to see that all was kept clean and in order.

Llanero. An inhabitant of the plains of South America.

Llicllas. Quichua for mantles.

Lluminabi or **Rumi-nani.** A general under Atahualpa. The word means "stone-eyed."

Locus standi. The right to appear before a court.

Maguey. The American agave; the century plant of Mexico.

Mantas. Shawls or blankets.

Maravedí. A Spanish coin worth about one sixth of a cent.

Marc de oro. A Spanish gold mark of about 136 *pesos* or 68 *escudos* of 2 *pesos* each, if of 22 *quilates* (carats) fine.

Marchamo. The custom of stamping with a seal all packages of imported goods. This was to show that the import duty had been paid.

Margajitas. Artificial jewelry, or trinkets.

Matalote. A small boat.

Mediatas anatas. The annates of the half year. A duty on the annates for the half year.

Memorial informatorio al Rey. Informative Memorial to the King.

Memorias secretas. Secret or confidential memoirs.

Mero Mixto. See *Imperio mero mixto.*

Mesa. A table-land.

Mesa común. A general, or common, fund.

Mesa remisible a España. The fund sent directly to Spain.

Mestizo. A mixed caste; Spanish-Indian.

Minas de oro. Gold mines.

Minas de plata. Silver mines.

Ministro togada y de justicia. A minister made eligible to sit in the chamber of justice and endowed with all the rights and privileges belonging to this position.

Mita-chabacuy. Inca law ordaining that each family do its share of the work of the community.

Mitimaes. Quichua for colonies.

Moctezuma. Aztec emperor conquered by Hernán Cortés. Also Moctecozuma and Montezuma.

Mucha. Quichua word for worship.

Mulatto. A mixed caste: white-negro.

Muru-muru. The llamas of two colors.

Naipe. A playing card.

Naipes. The duty on playing cards.

Naos. The chapel in the temple of the Mexican nature gods.

Nieve. The snow.
Nieves. The duty on snow.
Novena. A ninth part of the tithes.
Novenas. A duty on a ninth of the tithes.
Novenii. The nine parts of the tithes.
Nueva España. New Spain, or Mexico.

Obras pías. Charities.
Oficiales reales. Royal officials, or just the treasury officials.
Oídor. A judge, a member of an *audiencia*, or supreme court.
Ordenanzas. Ordinances.
Ouvidor. Portuguese for an *oídor*, or judge, a member of the *audiencia*.

Pacarina or pacarisca. Quichua for ancestral deities.
Pachacamac. Quichua for the god Ticci-Uira-ccocha, or the God. Garcilaso de la Vega explained that he was the Supreme God, for he it was "who does with the universe what the soul does with the body; which is the supplying of it with existence, life, growth, sustenance."
Paliquero. A litter.
Palmo. The width of a palm; a measure of the length from the thumb to the end of the little finger extended.
Panaca. Lineage, meaning sister or brother.
Panacha. A sort of candy made by boiling cane sap.
Pancada. A contract for disposing of goods by wholesale.
Pancarca. Quichua for torches of straw.
Papa. The white potato. The sweet potato was called a *batata*.
Papel sellado. Stamped paper.
Partidas. Districts, or territorial divisions.
Patio. An inner courtyard.
Patronato. The patronage, the right of presenting benefices.
Peso. A Spanish-American silver coin worth about one dollar.
Peso de oro. A gold coin worth four hundred and fifty *maravedís*, if of twenty-two and one half carats fine.
Pialco. A bird of rich plumage found in Peru at the time of the conquest of that country.
Pilco-casa. Garlands worn on the head during the festivals of the *situa*.
Pilcoyacu. Those in charge of washing the figures of Uriacocha with *sancu*, or blood, during the festivals of the *situa*.
Pinole. A mixture of vanilla and other flavors which go to make chocolate.
Pirua. Quichua for granary.
Plaza. An open square in a village, town, or city.
Poccha. A measure of land equal to a *fanegada*, or about 1.1 acres.
Por Dios, señor. By God, sir.
Portales. Arcades.
Porteño. A native of a seaport.
Presidio. A fort.
Pro rata. In proportion.
Procurador. A solicitor; a representative of some municipality or district at the court of Madrid.
Procurador general. A solicitor general.
Propios y Árbitros. A committee on ways and means.
Proveedor. A procurator.
Proveedor general. A procurator general.
Puca-marca. Quichua for a temple to the gods Chuquilca and Uiracocha.

Pueblo. A village or town; the people.
Puerta. A doormat or curtain.
Pulpería. A shop where spirits, liquors, and provisions are sold.
Pulperías. A tax or license on a *pulpería*.
Pulque. A wine made from the juice of the *maguey* plant.
Pulques. A tax on the manufacture and sale of *pulque*.
Puma. A lion.
Puma-curcu and **Puma-chipana.** That part of the districts of the serpents where wild beasts were kept, such as bears, tigers, and lions.
Puna. A lofty, cold, uninhabited tract in Peru.
Punchau. The sun, or the god of day.

Quadros. The squares.
Quichua. Name given by the first Inca to the people who inhabited the *quichua*, or the more temperate intermediate slopes and high plateaux of Peru. A Quichua was, therefore, a person who lived in the temperate region of that country. Also applied to the language of those people.
Quichuar-caucha. Quichua for temple.
¿ Quién sabe? Who knows?
Quinte. A duty of one fifth on all silver and gold bullion mined in the Indies.
Quinua. A Peruvian cereal.

Ranchería. A ranch.
Ranchero. The owner of a ranch; a rancher.
Rancho. A rancher's hut.
Real. A Spanish coin worth about ten cents in South America and only half that amount in Spain. This is the *real de plata*, or silver real. It was worth about thirty-four *maravedís* in Spain, and sixty-eight *maravedís* in America.
Real hacienda. The royal revenue.
Real patronato. The royal patronage.
Recopilación de Leyes de los Reyes de las Indias. The Compilation of the Laws of the Kings of the Indies.
Regidor. An alderman, a member of a *cabildo* or *ayuntamiento*.
Repartimiento. A grant of Indians to go with the grant of land, or an *encomienda*. Sir Clements R. Markham was of the opinion that the two grants were separate and distinct. Later the grant covered both and came to be called an *encomienda*.
Residencia. An official investigation of the conduct of an officer. The investigation may be made while the officer is in office or within a specified period after the official term has expired.
Romana. A steelyard, that is, a Roman balance.
Rurales. Mounted Mexican police.

St. Jago. St. James.
Salina. A salt pit, salt pan, salt work, salt mine.
Salinas. A duty on the manufacture and sale of salt.
Sancu. A sacrificial pudding.
Sancu and elba. A pudding made out of coarsely ground maize.
Sargente mayor. A sergeant major.
Secretario. A secretary.
Sede vacante. A vacant bishopric.
Servicio real de los Indios. Service or payment, or both, due from the Indians to the king.
Seviglia. Seville.
Sine qua non. Literally it means that without which something cannot be done. Hence, an indispensable condition.

Situa. A festival of purification; a driving out of diseases and evils from the land.

Solia. A close-fitting tunic of silk.

Spagnia. Spain.

Suri-hualla. The plains of the ostriches.

Suyus. Quichua for districts; meaning literally the four quarters of the world.

Tampu. Building on the plains of Peru near the coast for the use of the Incas. Also means an inn.

Tapia. A kind of mortar used in constructing buildings in Caracas.

Taqui. Music; or a gathering to listen to legendary song.

Tarpuntaes. Quichua for priests.

Temastianes. The teachers of the religious doctrines.

Tempi passati. The times past.

Tenochtitlán. The capital of the Aztec empire.

Teocalis. The temples or houses of the Mexican gods.

Teopixqui. The procession of priests ascending or descending the staircase of the Mexican pyramidal mounds during a religious festival or service.

Terra Firma. The Latin term for *Tierra Firme.* The latter term was given to the mainland of the continent to distinguish it from the islands.

Territorio de Colonias. The Territory of the Colonies.

Tica-Tica. A kind of music made by a cane-stalk flute.

Tierra caliente. The hot low valleys, or hot lands. Usually applied to Mexican and Central American lowlands. In Peru the corresponding word was *yunca.*

Tierra fría. The cold or frigid regions. In Peru the term was *puna.*

Tierra templada. The temperate or subtropical lands. In Peru the term was *quichua.*

Tinte. Tint, paint, color, dye. A dyer's shop.

Tintes. Export duty on cochineal, indigo, and vanilla.

Toiscs. A linear measure. 1920 *toiscs* equal two thirds of a league.

Tres Garantías. The Three Guarantees.

Tribunal de Cruzada. The Tribunal of the Crusade; the tribunal having control of the sale of indulgences to those supporting the crusade.

Tributos de los Indios. The tribute from the Indians.

Ttahuantin Suyu. The four provinces of Chincha Suyu, Cunti Suyu, Colla Suyu, and the Anti Suyu.

Tupu. A measure of land equivalent to a *fanegada.* In Peru it was a piece of land sixty paces long by fifty wide, and was the amount of land given by the Incas to their vassals.

Uchu. Quichua for the Chilean pepper.

Uiracocha. Quichua for the Supreme Being.

Ulmen. An Araucanian nobleman.

Uncu. A mantle.

Usca Mayta Ayllu. The descendants of Inca Mayta Ccapac.

Uti possidetis. A phrase incorporated into international law, signifying the holding of land by virtue of possession.

Vagos. Nomadic, or wandering, Indians.

Vara. A Spanish measure equal to about 32.89 English inches, or a yard.

Vecino. A neighbor. One to whom an *encomienda* was granted.

Veedor. An overseer, or inspector.

Vicaquirau. Descendants of Inca Rocca.

Villas. Villages.

Visita. An official investigation.

Visitador. Visitor; one who makes an official investigation under command from the king or his representatives.

Yahuar. Quichua for blood.

Yahuar-sancu. The blood-pudding, or the sacrificial pudding.

Yauris. A bundle of rods resembling scepters carried by priests in the processions during the festivals of the *situa*.

Ynca. The Inca.

Yndias. The female Indians; Indies.

Yten. Item.

Zambo. A mixed caste: Indian-negro.

Zuela. An iron implement.

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